THE HISTORY OF THE CASTLE OF YORK

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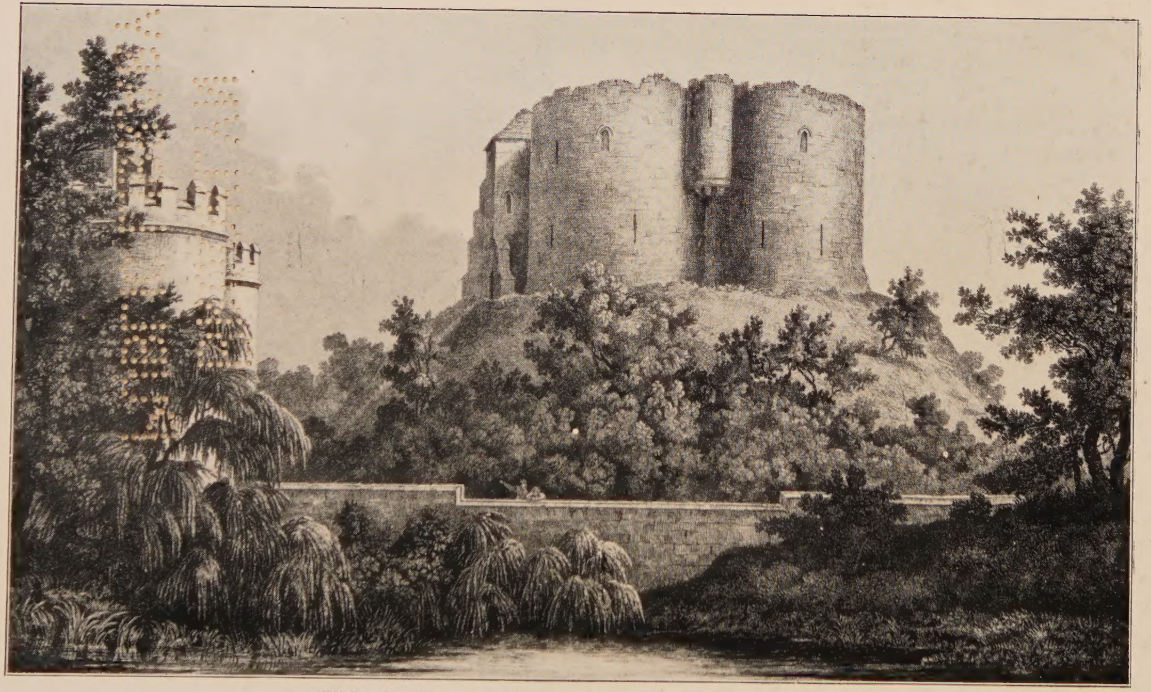

Clifford's Tower and the Old Castle Gate, 1807.

From an Etching by JOSEPH HALFPENNY.

[*Frontispiece.*

The History of The Castle of York

FROM ITS FOUNDATION TO THE PRESENT DAY
WITH AN ACCOUNT OF THE BUILDING OF
CLIFFORD'S TOWER

By T. P. COOPER

Author of
"York: the Story of its Walls, Bars and Castles."

WITH NUMEROUS ILLUSTRATIONS, PLANS,
FACSIMILES, AND APPENDICES.

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To
THE RIGHT HON. BEILBY LAWLEY,
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Honorary Freeman of the City of York,
and
Chairman of the Yorkshire
County Committee,
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is
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PREFACE

THE materials for the History of the Castle of York in the following pages have been chiefly derived from State papers preserved in the Public Record Office. In many instances our pre-conceived ideas with regard to the Castle and its Keep are materially disturbed, therefore the frequent references to primary authorities in the footnotes may not be unwelcome to the more discriminating reader. During the last few years numerous records have been brought to light bearing upon the subjects treated; these have been diligently studied, and several critical dissertations perused, thus enabling me to present fresh details and important facts concerning a hitherto neglected phase of Historic York.

Although my references to the disquisitions by Mrs. E. S. Armitage are many, my obligations to her for supplying me with valuable information, advice and encouragement, deserve a special expression of recognition. My thanks are due to Mr. Robert Holtby for permitting me to see the Records of the Castle; and to Mr. Frederick J. Munby for the courtesy and willing readiness with which he gave me access to the documents relating to Clifford's Tower and the Castle, in his official custody as Clerk to the County Committee. I feel indebted to the Sub-Dean of York, the Rev. Canon Watson, for his consistent patience, and for the use of many rare books of reference under his care at the Cathedral Library. The Rev. Edward Bulmer, M.A., with unvarying kindness, has spared

time to read through the proofs, and given me his criticisms and scholarly counsel. To Miss Maud Sellers, Litt.D., the Rev. T. Ainsworth Brode, B.A., Mr. John Henry Hill and Mr. R. Beilby Cook, I must express my thanks for help and valuable suggestions. For the privilege of reproducing photographic facsimiles of original unpublished drawings, my grateful acknowledgments are due to Dr. W. A. Evelyn ; and to Mr. C. R. Swift for permission to illustrate an early sketch of the Great Gate of the Castle. For the use of two plans of Clifford's Tower I must recognize the kindness of Mr. Basil Mott, C.E., and express my thanks to Mr. E. Ridsdale Tate, for an original drawing ; to Mr. W. Watson, the Museum, who supplied me with photographs ; and to Mr. E. Warneford Wray and my son, who have drawn plans.

The list of Yorkshire Sheriffs, compiled by the archivists of the Public Record Office, from documents in their possession, is included in this volume by permission of the Controller of H.M. Stationery Office.

T. P. C.

16, Wentworth Road,
York.

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The Horse Fair
St. Mary's Tower
Abbey Gate
St. Mary's Abbey.
Site of the Earlsburh
Site of the Hospital of St. Leonards
Site of Archbishops Palace
Treasurers House
The Minster
E B U R A C U M
Dean and Canons
Multangular Tower
Water Tower
The Bishops Fields
Site of a Priory Augustine Friars
Site of a Priory Friars Preachers
R I V E R
The Jewry
Ouse Bridge
Ouse Bridge Street
Coppergate
Site of a Priory Christ Church or Holy Trinity
Fetter Lane
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Roman Wall
Saxon
The Bishops Hill
The Castle of the Old Baile
Marsh
Scale of Feet

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PLAN OF MEDIAEVAL YORK AND ITS FORTIFICATIONS.

E.W.Wrey.

[To face Chapter I.

CHAPTER I

THE NORMAN PERIOD—FOUNDATION AND EARLY HISTORY

Introductory—Alleged pre-Norman origin of York Castle—Burhs not moated mounds—Domesday Book and castles—William the Conqueror erects castles at York—Earth and timber castles—Ditches filled with water and the Foss Pool formed—Castles besieged and destroyed—The Conqueror devastates Yorkshire—The Castle rebuilt and enlarged—Motte of Castle artificial—Excavations in motte described—Restorations of 1130.

FOR over eight hundred years the Castle of York has held a distinguished place in the annals of England. It has memories deeply associated with our national history and with the struggle for civil and religious liberty. Here momentous Councils of War, Parliaments, the ancient Courts of Exchequer and of the King's Bench, have frequently been held. It was the king's storehouse and armoury for the North; and here sturdy craftsmen fabricated the long bow, the sword, and other weapons of war. Here lance-makers and armourers strenuously supplied the munitions of warfare for the many warrior bands that marched towards the borders of Scotland.

As the prison for the whole of Northumbria, not a few brave Englishmen have been led through its gates to an ignominious death. Martyrs for conscience' sake have died broken-hearted within its dark dungeons; and scores of poor manacled prisoners have

succumbed to pestilence, starvation, and brutal official ill-treatment in its cells.

A Royal Mint was sometime established within its walls; and at intervals the silence of its courts has been broken by the acclamations of excited freeholders and the boisterous confusion of county elections. Many notable events are associated with the old fortress; and as the centre of authority in the North it has played many parts through successive ages and generations. What romances! what comedies! what tragedies of real life have been enacted within its ancient precincts.

In spite of adverse fortune, and the rulings of varying governments, its hoary mediæval keep, sentry-like, still looks down upon the old city—

> As if defying the power of Fate, or
> The hand of Time, the Innovator.

As to the origin or foundation of the Castle there has been much misconception and not a little guess-work. We read that "the first authentic 'mention' of a Castle at York is in the reign of Athelstane," [1] and "of the origin of this Castle no trustworthy records remain." [2]

These vague and unhistoric assertions have been gathered from Drake, the learned historian of York. He writes "that there was a castle in York long before the Conqueror's time I have proved in the annals; which I take to have been in the place already described called Old Bayle. This, therefore, I believe, was built *a solo*, but probably on a Roman foundation, by William I., and made so strong in order to keep the citizens and Northumbrians in awe, and to preserve his garrisons better than they were in the former." [3]

[1] "Records of York Castle," Twyford & Griffiths, p. 3.
[2] Ibid., p. 4. [3] "Eboracum," p. 286.

The item alluded to in the historian's annals, to which he has pinned so much faith, reads thus: "Athelstane at his return to York from this victory [Brunanburh] razed the castle to the ground, lest it should be any more a nursery of rebellion." [1]

Although these theories have absolutely no foundation, copyists, as a matter of course, without any research or thought, repeat the above erroneous statements. It is rather a bold undertaking to discredit popular tradition and to confute the trusted deliverances of an accepted historian; but, as modern experts in archæology have carefully and scientifically conducted an inquiry which has resulted in the identification of the real origin of the Castles of York, without any apology, we venture to express new opinions and register many facts, the results of much close reasoning and original research.

There is no mention of a castle at York in any records of Anglo-Saxon date that have been preserved to us. Drake, in assuming the existence of a castle at York in Anglo-Saxon times, takes as his authority William of Malmesbury, who wrote in the twelfth century. This annalist mentions a *castrum* at York and from his record the whole theory of a pre-Norman castle has been deduced. Malmesbury, who tells of a *castrum* in the time of Athelstane,[2] was doubtless following an earlier writer who had used the word as a translation of the word *burh*, which almost certainly referred to a vallum or wall constructed round the Danish suburb or burh, known as the Earlsburh, outside the walls of York.[3]

[1] "Eboracum," p. 79.

[2] "Ethelstanus castrum quod olim Dani in Eboraco obfirmaverant ad solum diruit, ne esset quo se tutari perfidia posset" ("Gesta Regum," ii. 134).

[3] Cf. "Early Norman Castles of England," E. S. Armitage (*English Historical Review*, July, 1904).

The site of the Earlsburh was not anywhere near the Castle, but upon a plot of high ground called Galman-hô (or Galman-how), upon which in the eleventh century St. Mary's Abbey was founded. The Danish kings and official Earls of Northumbria had their headquarters here. Siward, a valiant soldier of repute, who was earl from 1038 to 1055, resided here. Some little time before his death he built the church of St. Olaf on the outskirts of the burh.[1] Tostig took up his abode here ; but ere long he fell into disfavour, and in 1065 his hûscarls were slain and others were drowned in the Ouse below the burh.[2]

One writer suggests that Clifford's Tower is built upon a " pre-Roman " Earthwork,[3] and by another we are told the castle " claims an origin from those of our Teutonic ancestors,"[4] but these are mere conjectures.

The conical castle mounds of York, and others of the same type up and down the country " have also occasionally been attributed to the Romans, though there is no evidence whatever that the Romans ever reared such hillocks. They have also been set down to the Scandinavian invaders of England, though they are found in parts of the country where the Northmen never settled, and are not found in Norway or Sweden."[5]

It has many times been asserted that these citadel

[1] Anglo-Saxon Chronicle, 1055.

[2] Cf. Symeon of Durham's account.

[3] " British Association Handbook," York, 1906, p. 15.

[4] " Mediæval Military Architecture," vol. i. pp. 16–33.

[5] " Some Yorkshire Earthworks " (*The Reliquary*, vol. vii. p. 158).

Mr. George Neilson remarks that, the almost absolute absence of mottes from the northernmost counties of Scotland cancels the Norse claim at once (*Scottish Review*, vol. xxxii. p. 223).

mounds were Anglo-Saxon *burhs*,[1] but modern investigations go to prove that a *burh* was a walled city or town, or any walled enclosure. Mr. Round was the first to attack this assumption, which had long reigned supreme in English archæology. His article on English Castles in the *Quarterly Review* for 1894 destroyed the foundations on which this theory was built. Later writers have worked out his ideas to fruitful conclusions. The word "*burh*, which is derived from the same root as the verb *bergian* (to shelter), meant originally a wall of some kind (whether of earth, wood, or stone), built for protection. As in the case of the words *tun*, *yard*, or *garth*, and *worth* or *ward*, the sense of the word became extended from the protecting bulwark to the thing protected. . . . Burh is contrasted with wapentake as town with country. And in this sense it has descended to our day as *borough*, though, because the word *borough* has so long meant a chartered town, or a town with parliamentary representation, we have forgotten its older meaning of a fortified town." [2]

The Anglo-Saxons did not build castles, nor did the Britons, nor the pre-historic peoples of Britain. Men in the tribal state erected fortifications large enough to protect the whole village; they did not build military forts for a small number of fighting men, provided with citadels where only the chief and a few warriors could take refuge: these belong to the feudal period. From the latest inquiry it is clear that feudalism was not nearly so far developed among the Anglo-Saxons as writers like Mr. Freeman have supposed.

[1] "Mediæval Military Architecture," G. T. Clark, vol. i. p. 23, etc.

[2] "Anglo-Saxon Burhs and Early Norman Castles" (*Proceedings of the Society of Antiquaries of Scotland*, E. S. Armitage, vol. xxxiv. pp. 262–3).

There is no evidence that York Castle existed prior to the Conquest. To say the Normans appropriated an earlier fortress is mere fiction. The sites of the castles of York we are told in Domesday Book were cleared for the Conqueror's new defensive works. Any houses there might have been on the newly-acquired land would be demolished and their gardens made waste and thrown out of cultivation.[1] Where Domesday records the devastation of houses and lands for castle-works, the latest explanation is that new fortifications were built, and not old ones rebuilt.

In the time of Edward the Confessor, York was divided into seven shires or wards. The Normans set apart and cleared one whole shire for their new castles.[2] In 1068, William the Conqueror built his first castle at York, the Castle of the Old Baile,[3] on the south-west bank of the river Ouse, and placed in it a garrison to keep the city and surrounding country in subjection. The hardy people of the north stubbornly

[1] Domesday Book records that at Cambridge twenty-seven houses were destroyed to make room for the castle; at Gloucester, "There were sixteen houses where the castle sits, but now they are gone, and fourteen have been destroyed within the burh of the city"; at Huntingdon, "there were twenty houses on the site of the castle, which are now gone"; at Lincoln, one hundred and sixty-six houses were destroyed to furnish the site of the castle; at Norwich, no less than one hundred and thirteen houses were destroyed for the site of the castle; at Shrewsbury, the castle occupied the place of fifty-one houses. Some of William's castles were erected on property belonging to ecclesiastics who were given other lands in exchange for the plots appropriated; as at Warwick, Canterbury, Corfe, Rochester and Winchester (see "Early Norman Castles").

[2] "In Eburaco civitate T.R.E. praeter scyram archiepiscopi fuerunt 6 scyrae; una ex his est wasta in castellis" (Domesday).

[3] For a full account of the Castle of the Old Baile, see the author's book "York: the Story of its Walls, Bars and Castles" (Elliot Stock), pp. 215–38.

resisted the tyrannical invaders; a revolt compelled William to march again to York. He vigorously put forth all his martial energies and fell upon the citizens and their allies unawares.

To maintain a stronger hold upon the north he erected a second and more important castle on the tongue of land at the confluence of the Ouse and Foss —a site that commended itself from its defensible natural position. The Normans mistrusting the half-conquered people of England, and being anxious about their personal safety, very frequently, as at York,[1] Cambridge, and Winchester, placed their fortresses outside the town walls; a position which ensured a ready communication with the army's headquarters, or, if necessary, an escape into the open country. Some writers on castles, who, like the majority of the reading public, believe castles were always built of stone, expect some memorials of the Conqueror's stone-work would have been found at York.[2] But we now find that the castles [3] constructed by the Normans in Britain, with very few exceptions, were of earth and timber, a style of efficient defensive works they could quickly erect. Such castles were numerous and widespread, so that with them small garrisons were enabled to keep in subjection the vassals and to maintain possession of the conquered land. Castles were erected at towns whether the inhabitants had submitted peaceably or not.

A moated hillock was first formed, and attached to it was a courtyard, or bailey, surrounded by an

[1] The earthbank and walls protecting the Walmgate district were not erected until after the formation of the Castle and the Foss Pool.

[2] Cf. "Med. Mil. Arch.," vol. ii. p. 548.

[3] Cf. "English Castles," by J. H. Round. *Quarterly Review*, 1894.

earthbank surmounted with stout wooden palisades. A timber stockade was still standing on the castle ramparts at York as late as the thirteenth century. We find from various passages in the earliest Close Rolls that several other castles were similarly fortified as late as the reigns of John and Henry III. In the first volume of the Close Rolls, there are at least twenty orders given for the supply of timber to repair royal castles or city defences for one order given for stone.

The courtyard, within the enclosing banks, contained several timber buildings, the hall, stables, kitchens, workshops, etc., as well as other necessary appurtenances of a castle, in most cases built of wood. The numerous old dwelling-houses in York yet standing and habitable built either partly or wholly of timber framing, with lath and plaster walls, is evidence not only of the early common practice but of the strength and durability of timber as material for building.

During the early years of Norman rule the occupants of the castle had none but hostile neighbours, therefore they were compelled to be self-supporting, and every trade and craft had to be carried on within the castle walls. Whilst a mill near by, worked by water, for grinding corn, was also a necessity.

In our day we are so accustomed to the word castle designating a fortress of stone, that we naturally suppose all castles to have been strongholds of masonry from their first foundation. We can scarcely realize that during the Norman period the fortresses at York were castles of earth and timber, with wooden walls or palisades surmounting the enclosing banks. It would be impossible for William immediately after the subjugation of Yorkshire to build a castle of stone at York. Wooden castles were easily erected, and at this time such castles were in fashion everywhere,

in Normandy especially.[1] Earthworks and timber stockades were almost the only fortifications the Normans employed in England; and, although York was situated on a navigable river, by which stone could be brought by water-carriage, many years elapsed before it became possible to arrange a system of water-transport. It would, therefore, be no easy task to procure stone until the turbulent inhabitants of the north, so recently conquered, had settled down to the inevitable Norman rule.

Upon the summit of the *motte* or artificial mound [2] was placed a wooden tower. The building was

[1] The description of a Norman motte at Merchem, near Dixmude, written by John of Colomedia, Archdeacon of Terouenne, at the end of the eleventh century, cited by De Caumont in his "Abécédaire d'Archæologie," p. 300, and from him by Clark, "Med. Mil. Arch.," i. 34.

"It chanced that in a town called Merchem Bishop John had a guesthouse. There was also close to the court of the church a strong place, which might be regarded as a castle or a municipium, very lofty, built after the fashion of the country by the lord of the town many years ago. For it was customary for the rich men and nobles of those parts, because their chief occupation is the carrying on of feuds and slaughters, in order that they may in this way be safe from enemies, and may have the greater power for either conquering their equals or keeping down their inferiors, to heap up a mound of earth as high as they were able, and to dig round it a broad, open, and deep ditch, and to girdle the whole upper edge of the mound, instead of a wall, with a barrier of wooden planks, stoutly fixed together with numerous turrets set round. Within was constructed a house, or rather citadel, commanding the whole, so that the gate of entry could only be approached by a bridge, which first springing from the counterscarp of the ditch, was gradually raised as it advanced, supported by sets of piers, two, or even three, trussed on each side over convenient spans, crossing the ditch with a managed ascent so as to reach the upper level of the mound, landing at its edge on a level at the threshold of the gate," etc.

[2] This type of defensive hillock is called in Norman and Old French documents a *mot* or *motte* (Latin, *mota*).

always kept intact and probably used as a citadel to which the garrison could betake itself when hard pressed; and it served as a look-out station from which to watch the enemy. The wooden keep at York was used until one of stone was substituted during the reign of King Henry III.

William the Conqueror erecting a Castle at Hastings.

In those remote warlike days when the sling and the bow were the chief weapons of attack it was quite sufficient protection for a garrison to be sheltered behind a stockaded bank of earth. That timber formed an important part of the fortifications at York Castle is evidenced by the Conqueror's grant to Landric the Carpenter. He had "ten houses and a half" in the city, "which the sheriff made over to him,"[1] probably for special services rendered at the erection of the castles.

[1] Domesday Book. (A full account of the York survey is printed in "York: the Story of its Walls, etc.," pp. 50–57.)

THE SURRENDER OF THE CASTLE OF DINANT.

Various types of Norman keeps are figured in that valuable contemporary record of the Conquest, "The Bayeux Tapestry."[1] In the picture of the taking of Dinant by William of Normandy a typical moated hillock and a wooden keep are represented, and the Conqueror's soldiery, with pick, spade and shovel, are portrayed in another compartment of the pictorial narrative, entrenching and throwing up a motte at Hastings. The torch was as familiar a weapon as the sword to the soldier of the Norman age, and in the picture reproduced from tapestry of the period, two warriors are shown with torches trying to set fire to the timber stockade and wooden keep.

The topographical aspect of York having been altered in an almost inconceivable manner by successive generations since Anglo-Saxon times, it is almost impossible to picture the site of the castle before the Normans introduced their fortification works. The change on this front of the city has been so remarkable that by the incredulous and casual reader its eleventh-century aspect is not easily imagined. We must picture to ourselves a slight depression in the landscape from Monk Bridge, taking the course of the present river Foss, towards Fishergate, with the original rivulet flowing through the valley, but of course at a much lower level.

In planning the fortress a strong dam was placed across the valley just below the chief entrance to the castle, and the pent-up water was thus driven around both the castle bailey and the citadel mound, adding greater security to an already strong position.

In damming this stream, according to the military science of the time to secure water in the castle ditch or *fosse*, a large tract of land was submerged, forming an immense lake; mentioned in Domesday as the

[1] "The Bayeux Tapestry, a History and Description." Frank R. Fowke, 1898.

King's Pool. By these means, it is evident, there would be formed a large pool and a mill pond, at two levels, which must have rendered the approach of an enemy exceedingly difficult and hazardous. Little water came over the dam, except in flood times; therefore the level surface of the dam would be well suited for an entrance causeway or approach to the castle gate; although at a later date we have evidence of a timber bridge opposite the great gate. Below, a second and much smaller pool was arranged which protected the dam and causeway and served the castle mill, which was situated nearer to the tidal river Ouse.

The larger sheet of water effectually defended the east front of the castle; and an arm of it, connected just above the dam, was looped around its west frontier until it reached the motte and united with the broader expanse of water. The fortress was thus encircled by water. The pool, which covered above one hundred acres, besides being a protection to the castle and having a military significance, became a Royal Fishery[1] wherein none but the king's men were allowed to fish without a royal licence. Only two boats were permitted upon the lake, firstly that of the Castle and subsequently one belonging to the Carmelite Friars.

The site of the historic pool is now almost, if not entirely, obliterated, and its former existence and importance well-nigh lost sight of. As in the case of most memorials of York, a Roman origin was at one time attributed to this pool or basin, which Drake says afforded a safe anchorage for ships and galleys.[2] That such a pool existed in pre-Norman times is a matter of mere romantic fancy. The undeniable evidence of Domesday, in this instance, has been misinterpreted or

[1] Its history, together with a list of custodians, is given in "York: the Story of its Walls."

[2] "Eboracum," pp. 40–41.

ignored. In reading the records aright the real origin of the lake and its purpose are easily explained. Traces of the ditch surrounding the motte, and of that on the west side of the Castle are indicated on seventeenth and eighteenth century plans, and these ditches were not entirely obliterated until early in the nineteenth century.

In the suburbs (that is, without the city walls, but within the limits of the civic boundary), was a large tract of fertile land, here and there fenced off and cultivated by the citizens. This area is described in Domesday thus, " In the geld of the city there are eighty-four carucates of land." It was amenable to city taxes, "and each of them"—that is, each carucate—" rendered as much geld [tax] as one house in the city. . . . Of this land, the King's Pool [*stagnum regis*] destroyed two new mills worth twenty shillings (a year), and of arable land and meadows and gardens nearly one carucate," which in the time of Edward the Confessor " was worth sixteen shillings ; now, three shillings." A *stagnum* was standing water—a large pool, or pond. This *stagnum regis*, the King's Pool, mentioned in Domesday was really the artificial lake formed when the Castle was planned and erected, and the " two new mills " had been worked by the original stream which had become submerged and obliterated.

The limits of the Castle enclosures have been altered on several occasions and the ground plan of the Norman works can now only be conjectured. Many of William's castle-baileys resembled in outline the figure of 8, with the upper limb very much smaller than the lower. Frequently, however, the court was semi-lunar in form ; but rectangular baileys seem on the whole to have predominated in the castles built by the Conqueror.

The shape of the bailey at York was irregular in plan. On the east the rampart formed the bank of

the King's Pool. On the west the rampart appears to have run in an almost straight line from the south angle towards the motte. The crest of the counter-scarp of the ditch on this side, and that portion which circled the mound, would probably be palisaded to match the inner rampart. The area of the lower ward within the ditches was about four acres. The motte, which was formed from the spoil of a broad and deep circumscribing ditch, is now at least 50 feet high, about 100 feet across the top, and, originally, it was more than 200 feet in diameter at its base.

"The Anglo-Saxon Chronicle implies, though it does not directly state, that both the castles of York were built in 1068, on the occasion of William's first visit to York. The more detailed narrative of Orderi-cus shows that one was built in 1068, and the other at the beginning of 1069 on William's second visit."[1]

It has been said that the Castle was erected in eight days, during William's sojourn in the city. The statement of Ordericus, the original authority, who records[2] the King's visit, does not necessarily imply that the fortress was erected in so short a time.

When the Castle was completed and garrisoned, William left it in charge of one of his most trusted warrior-chiefs, William Fitz-Osbern; whom the early chroniclers accuse of building castles widely throughout the land and oppressing the poor.

In the autumn of 1069 the signal for a more formidable rebellion came from Swegen, King of Denmark; his fleet of above two hundred ships, which he had been secretly preparing for two years, unexpectedly arrived in the Humber. The appearance of their Danish

[1] "Early Norman Castles of England" (*English Hist. Review*).

[2] "Rex autem dies octo in urbe morans alterum præsidium condidit, et Guillelmum Comitem Osberni filium ad custodien-dum reliquit" (*Ordericus Vitalis*, 512 D.).

allies encouraged the Northumbrians to make a desperate resistance ; they rose almost to a man. They flocked to the river as their rendezvous, and as the fleet sailed towards York an ever-increasing army thronged the banks, some walking and others riding.

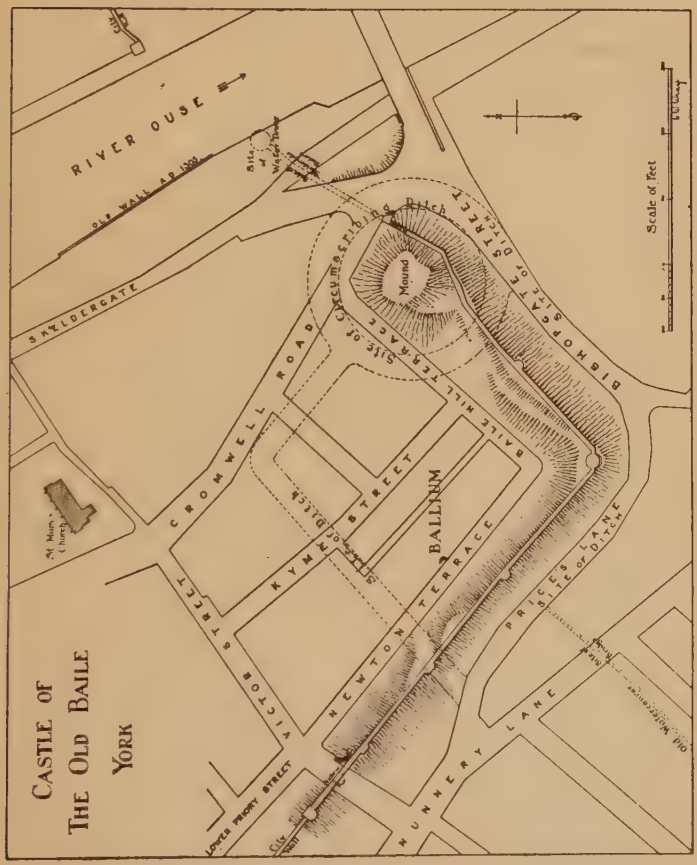
The remnant of the Anglo-Saxon and Danish population of York detested the Normans, and were ever ready to attack their oppressors who had ruthlessly seized their lands and houses, many of the latter having been destroyed to make room for the odious castles which dominated the city.

Before the onslaught on the castles took place the Norman commanders fired the houses near their fortresses, lest the approaching army might shelter therein or use the materials to fill up the trenches around their fortifications. The flames unfortunately spreading beyond control, the whole city was soon on fire and the Minster was destroyed in the conflagration.

When the Danes and their Northumbrian allies arrived, a determined and simultaneous attack was made upon both castles. After a fierce struggle the fortresses were taken. The garrisons were slain, and only William's two commanders, William Malet and Gilbert de Ghent and their families, were spared as hostages. Fitz-Osbern appears to have left the city some time before the revolt. The besiegers sacked and dismantled the castles, and the Danes carried away to their galleys much plunder, leaving the unorganized, but stubborn, Northumbrians to bear the brunt of William's vengeance. Before venturing to sea, however, their ships remained in the Humber all the winter.

The King was hunting in the Forest of Dean, in Gloucestershire, when the news of the loss of York and the slaughter of his garrison reached him. Exasperated by repeated revolts against his authority, in an outburst of wrath he swore, by " the splendour

of God," to avenge himself on Northumbria. He gathered his forces together and rapidly marched towards the Humber, falling upon a company of Danes in Lincolnshire which he put to flight.



Reaching York, William found the city deserted; the Northumbrians had fled in sullen despair at the approach of his dreaded presence. After harrying and burning many towns and villages in Yorkshire,

thousands of the inhabitants of which were slain, the unrelenting Conqueror, to commemorate his triumphs of butchery, kept Christmastide (the festival of peace and goodwill), amid the desolate and blackened ruins of the northern capital.

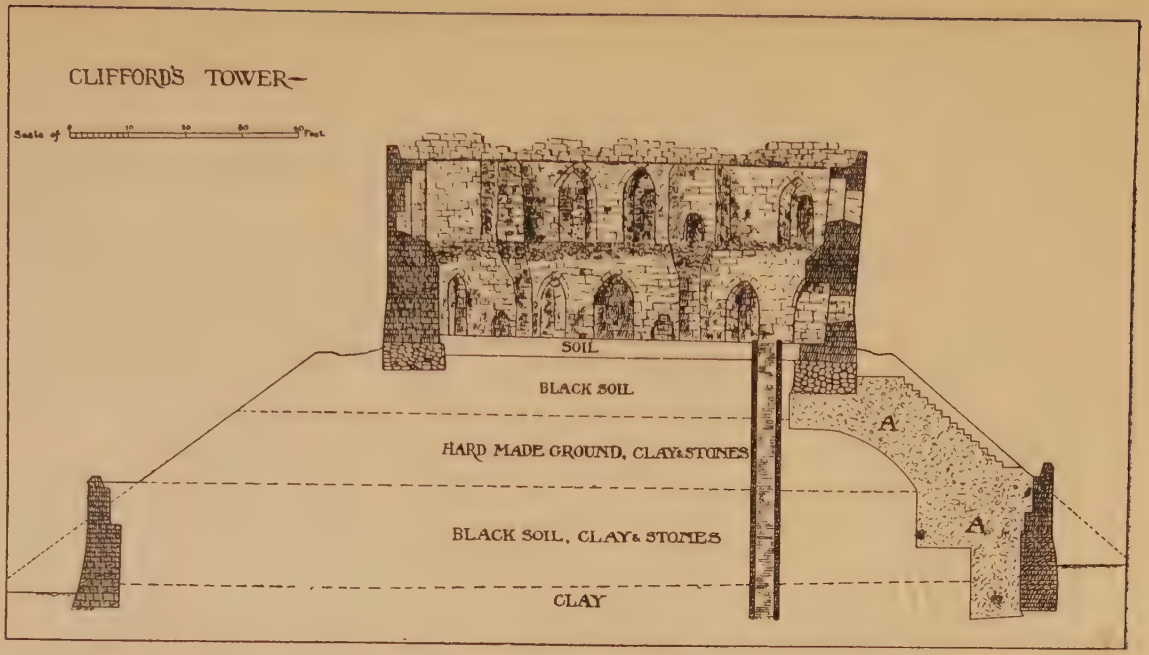
The dismantled castles at York were repaired; and this, the most important one, seems to have been enlarged, for the burgesses declared [1] that William de Perci included Uctred's house within the castle works after he returned from the expedition to Scotland in 1072. Perci denied this and affirmed that he had appropriated it for the Castle by direction of Hugh Fitz Baldric, the Sheriff, when the fortress was restored in 1070, the year after it was destroyed by the Danes. The lower bailey may have been added at this time and inclosed with a wall when the wooden palisades of the great bailey were superseded in the thirteenth century by an enceinte of stone. There are several references to a baile bridge, a communication from one bailey to another.

When the castles were destroyed in 1069, the wooden defences do not appear to have been burned, but demolished, and the timbers were broken and wasted.[2] The wooden keep was restored by William the Conqueror, and remained more or less intact until it was burnt down in the massacre of the Jews at the Castle in 1190.

In 1903 when the present stone keep was underpinned, excavations were made in the mound, and at a depth of 13 feet, beneath a quantity of charred wood, were found remains of a wooden structure. The excavations disclosed the interesting fact that the motte is entirely artificial. The digging was diligently watched by two local archæologists, and

[1] See Domesday Book.

[2] "Thone castel tobræcon and towurpan" (A. S. Chronicle). See "Early Norman Castles."



SECTION OF THE MOUND AS SHOWN BY EXCAVATIONS IN 1903, WHEN UNDERPINNED WITH CONCRETE, A.A.

although we do not agree with all their conclusions, the following paragraph from their valuable report is exceedingly interesting.

" The mound is an *artificial* one ; cuttings made in the sides at a distance of 25 feet from the boundary wall towards the centre failed to show any natural core. A trench 15 feet 6 inches deep was sunk within the keep, and a boring was made 10 feet 6 inches from the bottom of this trench. Both trench and boring, which together went down to within 10 feet of the ground level, revealed nothing but loose made soil. At a depth of 13 feet in this trench and again at 15 feet 6 inches were found remains of timber work that point to the existence of a wooden fortification preceding the existing shell keep and built on a smaller mound. This mound has been increased to its present dimensions with great care and with enormous labour.[1] In order to give the newer mound stability, an outer crust of firmer and more clayey material has been made round the older summit, and lighter material has been placed inside this crater to bring it up to the necessary level. The occurrence of a considerable quantity of charred wood above the lower series of timber remains, indicates that the wooden fortifications have suffered from fire. . . . The existence of a second layer of timber work seems to show that the fortification thus destroyed was rebuilt in wood." [2]

What restorations and repairs at the Castle were executed during the remainder of the Norman Period we have no means of ascertaining. It is recorded on the Pipe Roll of Henry I. that a sum of five marks,

[1] The motte of Carisbrooke Castle is composed of alternate layers of large and small chalk rubble ; at Almondbury near Huddersfield, layers of stone were introduced into the motte. (See " Early Norman Castles," p. 15.)

[2] " Notes on Clifford's Tower," *Yorks. Philosophical Society's Report*, by George Benson and H. Platnauer.

and a second amount of £4 13*s.* 4*d.* were expended "*in operationibus regis de Everwic.*"[1] Although the precise work is not mentioned, it is presumed the work alluded to at this time was in connexion with the King's Castle at York.

[1] "Acca filius Ernebrandi reddit compotem de 5 marcis argenti de placitis Walteri Espec et Eustacii fil. Johannis: in operationibus regis de Everwic libavit." "In opibus regis de Everwic £4 13*s.* 4*d.*" Pipe Roll 31 Henry I. (1130), pp. 27, 28.

CHAPTER II

THE PLANTAGENET PERIOD

Henry II. and castle works—Henry visits York, 1155–1175—Castle turris or wooden keep repaired, 1172—Royal apartments in keeps—Castle repairs during the reign of Richard I.—Massacre of the Jews—Timber turris and other buildings restored, 1191—King John visits York Castle ; repairs and work during his reign—Irish prisoners ironed, 1210—Geoffrey de Nevill holds York for King John, 1215—City fortifications strengthened—Henry III. visits York—Repairs at the Castle, 1218 to 1221—Breaches in the palisades repaired, 1225—Turris dismantled by storm of wind, 1228—Gaol repaired and a house built for the king, 1238—Great Tower erected, 1245–59—Annual payments for work—Tower chapel finished, vestments, chaplain, etc., provided—Approved men keeping the Castle—Architectural description of the keep.

MANY of the mediæval castles throughout England were the erections and residences of great baronial families whose illustrious patronymics are intimately associated with the history of our country. There were also several royal castles ; that of York being one of the most important strongholds held by the Crown. Its history can hence be traced by perusing the Pipe, Close, and Patent Rolls, and other records of the realm.

These primary authorities have not been searched by previous writers for the history of York Castle, and it would appear much valuable historical matter has till now remained absolutely unrevealed. These

collected state papers contain many entries for the repair and defence of castles in the possession of the Crown. Royal castles were maintained at the public expense, and the successive Sheriffs of Yorkshire, who had charge of all Crown fortresses in the county, were from time to time, as necessity required, directed to restore and strengthen them, and the costs were charged and allowed in the Sheriffs' accounts.

The first of the Plantagenet kings, Henry II., is known to have been a great builder, and gave much of his attention to castle works. To suppress the rebellious spirit of the barons, and to strengthen his rule, he dismantled numerous minor castles during his reign and took several others, which were a menace to public order, into his own hands.

He visited many castles, and in his journeyings we find he stayed at York during February 1155, January 1158, June 1163, and August 1175. In 1172 he spent £15 [1] in repairing the turris [2] or wooden keep [3] which William I. rebuilt after the Northumbrian insurrection, and David, the King's Lardiner, an important local magnate, had charge of the work.

Henry's visit to York in August 1175 was the most significant. The King, on this occasion, received the homage of William, King of Scots. During Henry's stay in the city he would securely lodge in the timber turris on the castle motte, as at this

[1] "In operatione Turris de Euerwich 15*l.* 7*s.* 3*d.* per breve Regis et per visum Davidii le Lardenarii" (Pipe Rolls, vol. 19, p. 2, 19 Hen. II.).

[2] The usual word for describing a keep was *turris*, a name frequently met with in the Rolls, and which is never applied to an ordinary mural tower ("Early Norman Castles").

[3] The motte of Warwick Castle had wooden structures on its summit. "In operatione unius domus in mota de Warewich et unius bretaschie 5*l* 7*s.* 11*d.*" (Pipe Roll, 20 Henry II. cited in "Early Norman Castles").

early period of unrest the royal chambers were in the keep.[1]

While at York Henry held Pleas of the Forest; and the ordinary Assizes, presided over by William de Lanvall and Thomas Bassett, appear to have been held during the King's visit. Another court of a different kind of judicature than that at which the two Justiciars presided was also held in the Castle, at which the King in person was president.[2]

As the Castle was still primarily a military centre, and the visits of the King's Itinerant Justices were not at fixed regular periods, a permanent hall for holding pleas had not been built, and doubtless the courts would sit in the royal tent or pavilion.[3]

During the reign of Richard I., we find the following charges for work and repairs recorded on the (unpublished) Pipe Rolls.

		£	s.	d.
A.D. 1190	In. opat. Castelli . . .	0	11	0
,, 1191	In. opat. Cast. . . .	28	13	9
,, 1191	In operacionibus motæ et cast.	179	3	4
,, 1193	Pro domibus in cast. emendandis	0	13	4
,, 1199	In emendat. castelli . .	0	17	7

The most important reference is that of 1191. The frightful massacre of the Jews took place in York in

[1] Henry had his chamber restored in the keep of Arundel ("Early Norman Castles," p. 5). In 1171 when the King was in Normandy he lodged for some time at Gerni, or Mote-de-Ger, near Damfront, where he was taken seriously ill, and as he lay in the royal chamber of the turris he made his will on August 10. A royal charter is also dated "apud motam de Ger." (See "Court, Household, and Itinerary of King Henry II.," p. 143.)

[2] "Henry II.," p. 194.

[3] A Royal Tent (*Pavillonem Regis*) was kept at castles where the King frequently visited; one was stored at Northampton, another at Oxford, and probably one at York ("Henry II.," p. 161).

March 1190, when a lawless rabble, with callous injustice, attacked the Jewish community. The affrighted Jews sought protection from the Sheriff of the County, John de Marshall, and by his permission placed their families in a tower of the Castle, the wooden keep on the motte, and in other buildings within the fortress.

The refugees unfortunately were not secure against attack, and the infuriated mob besieged the Castle and put many to death. Several of the chief Jews rather than fall into the hands of the fanatical populace massacred their families and then ended their own lives by self-destruction. Many of the dead were shut up in the King's house below the motte, and a fire having been laid, the building with its ghastly contents was consumed, and the tower on the motte was also destroyed during the conflagration.

No time was lost in restoring the turris and other buildings, and £207 17*s.* 1*d.* was expended on the new work. In considering this sum, we must remember that the purchasing power of such an amount was many times greater than that of our day.

The excavations of 1903 disclosed the charred remains of the burned keep, and it was noticed that before the new turris was erected the motte had been raised almost to its present level.

The restless and arrogant King John ascended the throne in May 1199. He travelled about the country in his endeavour to quell the secret conspiracies of his nobles, and the disaffection of the people. During his brief reign he visited most of the fortresses of England, and continually changed the castellans of Royal Castles lest they should establish local influence and power which might curb his kingly prerogative.

He came to York in 1200 expecting that William King of Scotland would meet him, as he had commanded; but the Scottish sovereign did not come.

John arrived in the city on Saturday, March 25, and stayed until the following Tuesday. Besides the disappointment of the non-appearance of King William, the citizens angered their King by not going out to meet and welcome him to the city. For their apparent disloyalty he fined them £100. John, no doubt, sullenly retired to his chamber in the Castle turris,[1] and brooded over his many state vexations. The King would sleep in the turris, free from any apprehension of danger. In addition to his personal attendants, two or more vigilant crossbow-men stationed on duty within the gate of the tower, and other men-at-arms in the base court kept guard. The royal servants provided the King's meals in the hall, still probably only a timber building, in the bailey below the motte.

If the King required exercise he could take unmolested walks in the courtyard on the motte; the *chemin-de-ronde*, which was protected by a stockade, overlooked the city and surrounding country. The present keep, unlike its smaller predecessor of wood, occupies nearly the whole of the summit, and as the size of the motte has been somewhat reduced by floods,

[1] That the apartments in the towers on the mottes were used at this date as residences is evidenced by the following extract, one of many similar requests.

Whilst Eleanor the King's cousin was staying in Gloucester Castle, Henry III. sent his beloved and faithful Robert Lovel to assist her keepers, assigned for her custody, commanding that Lovel should be admitted into the Castle and tower, so that he might have free ingress and egress to and from the tower, but that his suite should remain without in the Castle. And at the same time the King sent thither, for the garrison and safeguard of the said Castle, ten servants on horse and four crossbow-men on foot, ordering such and so many of the crossbow-men as the said Robert should name to lie every night within the two gates of the tower, and the said servants to remain day and night without in the Castle (Close Rolls, May 15, 7 Henry III., p. 346).

the original elevated courtyard would be of considerable area.

Some important work was executed at the Castle about the time of the King's visit, which cost for stone and lime a little over £37.[1] One of the Castle bridges also required attention and a house in the bailey was repaired. This record of work is of interest, as it is the earliest mention of stone being used at the Castle.

In castles of earth and timber, as well as in similar city defences, the gateway was always considered the weakest point. Many castle gateways show by their early style that they were the first works in masonry put up at these castles.[2] We know that the ramparts of the Castle were for many subsequent years defended by stockades, therefore it is presumed this early work in masonry was the Castle gate.

In 1201 John was again at the Castle and other £5 was spent in repairs; in 1202 £1 6*s.* 8*d.*; and in 1203 £1 4*s.* 7*d.* The year 1204 witnessed further work, costing £14 7*s.* 4*d.*; doubtless some of this was

[1] Repairs and work at the Castle during King John's reign. A.D. 1200. *Pro petra trahenda de quareria ad castellum* 20*l. Et in attractu petre et calcis et aliorum necessarium cum ponte ad idem castellum* 12*l.* 4*s.* 10*d. Et in rep. domorum in eodem castello* 5*l.* 7*s.* 9*d.* 1201. *In reparatione cast. Ebor.* 4*s. Item in emendatione predicti cast.* 5*l.* 1202. *In emendatione castelli* 1*l.* 6*s.* 8*d.* 1203. *In emendatione cast. . . .* (MS. faded) 9*d. In emendatione cast.* 1*l.* 3*s.* 10½*d.* 1204. *In custamento posito ad attractum factum ad firmandum cast. Ebor.* 11*l. Et in emendat. predicti cast.* 3*l.* 7*s.* 4*d.* 1205. *In emendat. gaiole et castelli* 2*l.* 12*s.* 3*d.* 1206. *In emendat. castelli* 13*s.* 4*d.* 1207. *In emendat. castelli et gaiole* 2*l.* 13*s.* 4*d.* 1210. *In reparatione domorum et pontium in castro Ebor. et in ferramentis prisonum de Ybernia* 4*l.* 5*s.* 1211. *In reparatione pontium et domorum in castello* 1*l.* (1213 Roll missing). 1214. *In emendatione cast.* 1*l.* 2*s.* I am indebted for these extracts from the unpublished Pipe Rolls of King John, to Mrs. E. S. Armitage, who has had the Rolls specially searched for Castle items.

[2] Cf. Exeter, Lewes, Arundel, Bramber, Ongar, Pleshy, and Tickhill, all of which have early Norman gatehouses.

done under the personal superintendence of the King himself as we know from dated charters, etc., that he was in York from Saturday, February 21, until Monday, March 2. The identical order for the materials is highly interesting.[1] John requested the Sheriff of Yorkshire to purchase as much stone and lime as possible, probably from quarries near Sherburn or Towton, and have it shipped at Ulleskelf on the river Wharfe, and thence brought by water to York.

On March 6, 7 and 8, 1205, the King was in York and £2 12*s*. 3*d*. was spent in repairing the gaol. His visit in 1206 lasted from Wednesday, February 8, until the 13th and repairs at the Castle only cost 13*s*. 4*d*. this year. In 1207 he was in the city on May 26, 27 and 28 and £2 13*s*. 4*d*. was expended in repairs. In 1208 he only stayed one day, August 7, and nothing is charged for work this year. In 1210 he made two visits, March 27 to 30, and again at Christmas; and repairing a house and bridge in the Castle, and irons for some Irish prisoners who were in durance vile at York, cost £4 5*s*. The King did not honour York with his presence in 1211, but a bridge and a house in the Castle were repaired at a cost of £1.

The Castle had three or more bridges and it is difficult to say which needed the repairs alluded to at the different dates mentioned. Probably each one in turn received the necessary attention. The chief gate opposite Fishergate was approached by a timber bridge carried over the ditch, as was also the gate towards the city on the east side of the motte, where the street of Castlegate led directly up to the

[1] "Rex Vicecomiti Eboraci: Precipimus tibi quod omnem attractum quod facere potetis de lapide et calce facias ad firmandum castellum nostrum de Eboracō, et attractum illum venire facias super acquam usque Uoskel" (Close Rolls, 1204, p. 46).

gateway. The turris on the motte was probably entered by a steep trestle bridge spanning the wide circumscribing ditch, as drawbridges do not appear to have been commonly used in England at this period.

No visits of King John are recorded in 1212 and 1213. Castle works in 1214 amounted to £1 2*s*. In 1216 the Yorkshire Barons were opposed to John, but he vigorously marched northwards to the discomfiture of his enemies. He rested at York on January 4 and then passed on to Berwick-on-Tweed; he returned by way of Scarborough and Kirkham and arrived in the Minster city for the last time February 15; but, ever on the move, he was off again by the 18th. At this time Geoffrey de Nevill, his trusted Chamberlain, held York and Scarborough and put their defences in order. The citizens of York were aided in repairing their fortifications by a grant of timber from the Crown.

As previously stated, William the Conqueror erected the Castle outside the then existing city defences, but by the beginning of the thirteenth century the district beyond the Castle Pool had become largely populated and required inclosing by some defence. Nevill, besides enlarging the city ditch on the west side of the river Ouse in 1215–16, appears to have formed a ditch and its accompanying rampart [1] from the brink of the Fosse Pool near the Red Tower, carrying it around the greater part of the Walmgate suburb, terminating at a point opposite the Castle Gate near Fishergate Postern Tower.

Henry III. succeeded his father, King John, October 28, 1216, and reigned a little over fifty-six years. During his long reign his castle works throughout the country generally consisted of structural additions of an ornate character. A growth in luxury resulted

[1] Evidence that the Walmgate earthwork is of this period is given in "York: the Story of its Walls," pp. 107–08.

in more commodious domestic apartments, both within the keeps and the houses in the lower wards. The records of Henry's reign contain many accounts of expenditure of this nature, walls were painted in fresco, chapels and oratories were built and windows were adorned with stained glass.

The keep at York, which is Henry's work, is one of the most notable achievements of his reign, a significant discovery recorded and published, for the first time, by Mrs. Armitage in "Early Norman Castles of England."

On the unpublished Pipe Rolls of Henry III., are numerous items entered for work at the Castle. Particulars of these have been kindly placed at our service by the lady mentioned above, who has done so much to elucidate the early history of English castles. An attempt is here made to merge each item of importance into the narrative of this period in chronological and historical sequence, so that they take their places in an intelligible progression.

In the third year of Henry's reign, 1218–19, the repair of the Castle cost £4 13*s.* 4*d.* The King in June 1221, accompanied by many nobles, witnessed the marriage of his sister Princess Joan to Alexander II. of Scotland, in the Minster. Where the King lodged on this occasion is not certain; he may have been a guest at the palace of his trusty friend and counsellor, Archbishop Gray. The Castle, nevertheless, was overhauled and also the houses in the great bailey, probably the King's Hall, at a cost of £1 6*s.* 8*d.* The wages for the year of two approved men-at-arms guarding the fortress totalled £1 10*s.* 8*d.*; and 13*s.* 4*d.* was paid in arming them. The following regnal year, 1221–22, the King spent £3 6*s.* 8*d.* on similar repairs, and three approved men received £1 6*s.* 5*d.*

That the earthbanks of the Castle still had wooden stockades in 1225 is proved by valuable contemporary

evidence furnished by the Close Rolls. In this year the King sent a mandate to Galfredo de Cumpton,[1] the forester of Galtres Forest, requesting that timber be forwarded to the Castle for the repair of the breaches in the palisade (*breccas palicii*). Instructions were given that the sheriff had to be informed of how many logs were sent. It shows also that the "*domos*" of the Castle, probably the hall, stable, barn, brew-house, or smithy were timber erections, and these as well as a bridge were restored.

King Henry kept Christmas at York in 1228; and probably during the winter, a severe storm of wind passed over the city and dismantled the wooden turris on the motte, for we find the sum of two shillings was paid "for collecting the timber of York Castle blown down by the wind."[2]

The wage of a labourer was one half-penny per day, so that if four men were employed to gather up the

[1] "Mandatum est Galfredo de Cumpton forestario de Gauteris (Galtres) quod ad pontem et domos castri Eboraci et breccas palicii (the breaches in the stockade) ejusdem castri reparandos et emendados Vicecomitem Eboraci maeremium (timber) habere faciat in foresta de Gauteris per visum viridariorum (the foresters), ita quod ipse habeat unam talliam et idem Vicecomes contra talliam (counter-tally) de tot fustis (of how many logs) quot idem Vicecomes ad hoc recepit. x die Sept. 1225" (Close Rolls, ii. p. 616). The palisades of Norwich Castle were also repaired in 1225 (see "Early Norman Castles").

[2] "Pro mairemio castri Ebor. prostrato per ventum colligendo, 2*s*." (Unpublished Pipe Roll, 19 Henry III.). "It is, of course, a conjecture that this accident happened to the keep; but the keep would be the most exposed to the wind, and the *scattering* of the timber, so that it had to be collected, is just what would happen if a timber structure were blown off a motte" (see "Early Norman Castles"). A similar accident happened at Wallingford Castle in 1223, the *hurdicium*, probably the wooden galleries placed on the highest part of towers and walls to defend the base, was blown down ("E.N.C.").

timbers, it must have taken them a fortnight to complete their work. Perhaps we shall not be far wrong if we conclude that the keep was totally wrecked, because no repairs are accounted for on the rolls of the following seventeen years. The King may have decided to erect a keep of masonry, as important subsequent charges enrolled are for building the present keep.

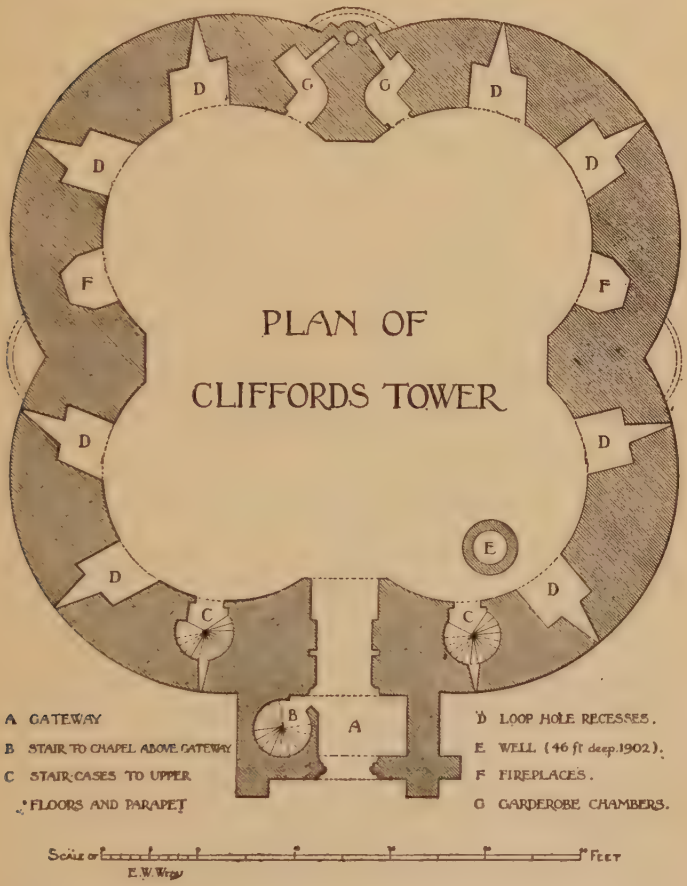
In Henry's twenty-third year, 1238–39, £57 17*s.* 7½*d.* was paid for repairing the gaol "and for making a certain new house for the use of the King before the same gaol," and Nicholas Winemere and Geoffrey de Stocton had the oversight of the work.

The Castle keep [1] is one of the most noteworthy examples of mediæval military architecture in Britain, and the only tower existing of quatrefoil plan. What is still more extraordinary is that documentary evidence exists which gives us the exact date and cost of the tower, and as the writer of "Early Norman Castles in England" observes: "this remarkable fact has slumbered in the unpublished Pipe Rolls for nearly 700 years, never having been unearthed by any of the numerous historians of York."

In 1244 dissension arose between Henry and Alexander, King of Scotland, caused by an alleged breach of the treaty arranged at York in 1237. King Henry had at that time granted certain manors in the counties of Northumberland and Cumberland to his brother-in-law, who had to do homage for them, and render every year a goshawk to the captain of Carlisle Castle. Henry hastily marched through York and assembled

[1] The keep is commonly known as Clifford's Tower. As the alleged early use and origin of this name is due to one of the guesses of Drake and his contemporaries, for which there is not the slightest historical evidence, we purpose not using such designation until we first find the keep so styled, viz. in official documents of the sixteenth century.

his army at Newcastle, whither the Scottish King was advancing with his forces. War was only averted by the timely pleading of Archbishop Gray and the



English nobles with both kings, and peace was renewed between the sovereigns on August 13.

King Henry, anticipating further trouble, and knowing the weakness of his castle at York with its

ruined turris, doubtless decided to strengthen the fortress, and make it an effective bulwark and barrier against Scottish aggression. As the work was commenced in real earnest the next year this inference is probably correct.

The following particulars giving details of the erection and cost of the keep are those of the unpublished Pipe Rolls of Henry III., which are still preserved at the Record Office. The work was started in the regnal year 1245–46, and occupied thirteen years until its completion in 1258–59, and several substantial part payments were made during the progress of the building.

Charges for Building the Great Tower.

		£	s.	d.
30th Henry III. 1245–46.	In charges for the works of the Castle of York 200 marcs..	133	6	8
	In strengthening the said Castle 200 marcs. . .	133	6	8
	To the keeper of the works of York Castle 200 marcs. .	133	6	8
	In making the chapel of the same Castle, with "*plastura*"	30	8	3½
31st Henry III. 1246–47	In the works and structure of York Castle 400 marcs. .	266	13	4
32nd Henry III. 1247–48.	In the works and structure of York Castle 300 marcs. .	200	0	0
33rd Henry III. 1248–49.	In the works and structure of York Castle 300 marcs. .	200	0	0
34th Henry III. 1249–50.	In the works and structure of York Castle 300 marcs. .	200	0	0
	The same R[obert de Crepping], the King's Sheriff accounts for 200 marcs .	133	6	8
37th Henry III. 1252–53	To the keepers of the works of York Castle doing the same works	200	0	0
38th Henry III. 1253–54.	In the works of roofing the Castle of York . .	1	1	8

		£	s.	d.
42nd Henry III. 1257–58.	In the King's works in York Castle	197	3	10
	In roofing the King's work in York Castle and the purchase of stone and lime for the same works . .	10	11	6
	In finishing the King's Chapel	5	9	4
43rd Henry III. 1258–59.	In finishing the works of the Castle [1] of York . .	88	3	4
	Total Cost	£1,932	17	11½

This amount, just upon £2,000, is equivalent to about £40,000 of our time, the approximate cost of such a tower if built to-day.

[1] "The keep of York is clearly Early English in style, and of an early phase of the style. It is, however, evident to any one who has carefully compared our dated keeps that castle architecture always lags behind church architecture in development, and must therefore be judged by different standards. We should, therefore, be prepared to find this and most other keeps to be of later date than their architecture would suggest. Moreover, the expenditure entered to York Castle in the reigns of Henry II., Richard I., and John is quite insufficient to cover the cost of a stone keep. The Pipe Rolls of Henry III.'s reign decide the matter, as they show the sums which he expended annually on this castle. It is true they never mention the *turris*, but always the *castrum*; we must also admit that the *turris* and *castrum* of York are often sharply distinguished in the writs, even as late as Edward III.'s reign (Close Rolls, 1334). On the other hand, extensive acquaintance with the Pipe Rolls proves that though the mediæval scribe may have an occasional fit of accuracy, he is generally very loose in his use of words, and his distinctions must never be pressed. Take, for instance, the case of Orford, where the word used in the Pipe Rolls is always *castellum*; but it certainly refers to the keep, for there are no other buildings at Orford. Other instances might be given in which the word *castellum* clearly applies to the keep. It should be mentioned that in 1204 John gave an order for stone for the Castle (Close Rolls, i. 4b), but the amounts which follow the bill for it in the Pipe Rolls show that it was not used for any extensive building operations" ("Early Norman Castles," note part 2, p. 30).

Most keeps had an oratory or chapel for devotional worship, and in many instances as here they were placed in the forebuildings or gatehouses. It has been regarded as certain that the gatehouse and the keep are not coeval erections.[1] This theory may have arisen because the west side exterior facing stones of the former are not bonded into the keep; but it must be remembered this particular wall and the forebuilding front were restorations of the seventeenth century. We have positive contemporary documentary evidence that the gatehouse was erected during the building of the keep, and in the chapel above the gate[4] remains of the original handsome Early English arcading, embellished with the dog-tooth moulding, may still be observed, though much injured.

During the great work of building the tower, we find that the gatehouse, which probably was a little over two-thirds the height of the tower, was finished before the upper parts and the battlements of the keep were completed.

The rolls distinctly state that: "In making the chapel of the same castle with '*plastura*,' £30 8*s*. 3½*d*. was incurred in 1245–46. The same year £2 16*s*. was spent on the purchase of the chaplain's vestment, and a chalice for the celebration of the Holy Eucharist. The aumbry, for the safe-keeping of the sacred vessels, is on the north side of the oratory, a deep recess let into the wall of the keep. The work of the chapel had so far progressed that divine service could be held in it in 1245–46, when the first annual payment of £2 10*s*.

[1] "By the direction of Henry, then Earl of Cumberland, Lord Lieutenant of the northern parts (1643) and governor of York, this tower was repaired; a considerable additional square building put to it, on that side next the Castle, on which over the gate, in stone work, is placed the royal arms and those of the Cliffords" ("Eboracum," p. 289).

for "a certain chaplain serving the same chapel" is enrolled. It is also recorded that a "writ shall be made to a chaplain for £2 10s. a year," this stipend was regularly paid and entered in subsequent years of the reign of Henry III.

In 1257–58 the King's Chapel was apparently completed, and £5 9s. 4d. was paid "in finishing" it. To what saint the chapel was dedicated is not known, and although numerous items mentioning the chapel

The Chapel in the Forebuilding of Clifford's Tower.

are recorded on the State Papers, none, either incidentally or otherwise, give us a clue to its dedicatory saint.

When the Castle was first built, it is highly probable that the chapel below the great gate situated near the mill was the earliest chapel used for worship by those connected with the Castle. When the new and more convenient chapel attached to the tower was projected, there is good reason to suppose that the

old chapel of St. George, without the Castle gate, was then granted to the Knights Templar.

On the Pipe Rolls for the years 1257–58, mention is made of "approved men" keeping the Castle for the King, and these men-at-arms received £9 14*s.* 2*d.* in wages. Towards the end of the reign of Henry III. the barons were in rebellion against their King, and the people and the clergy were heavily taxed to aid the King in his endeavour to retain his authority. The Pope's Legate, Cardinal Ottobonus, issued an order "to the collectors of the Tenth in the archbishopric of York, commanding them not to exact the Tenth from the revenues of the prebends in the churches of York and Ripon, which were held by his brother Percival, sub-deacon and chaplain of the Pope, as he had incurred considerable expenses in the King's behalf in the late trouble, and part of the fruits of his York prebend was reported to have been taken by the King's servants for the defence of York Castle." [1]

Robert de Nevill was sheriff in 1263-64 and held the Castle for Henry III. His account at the Exchequer does not seem to have been settled for some years, and on May 7, 1276, the Treasurer and Barons of the Exchequer were ordered by Edward I., "to audit the account of Robert de Nevill for the time when he had the custody of York Castle, and to cause allowance to be made to him for the victuals and other things that he expended in the munition of the Castle, save the dead stock and other things that he found in the Castle, as the late King committed the Castle to Robert by letters patent in the time of the late disturbance in the realm, promising that he would cause allowance to be made by an account to be made in the Exchequer for the costs of Robert in victuals necessary for the munition of the Castle, saving to the said King the dead stock and other things

[1] "Memorials of Ripon" (Surtees Society), p. 230.

Clifford's Tower: Interior, looking towards entrance, 1801.

From a Wash Drawing by Hy. de Cut. *By permission of* Dr. Evelyn.

found in the Castle at the time of the commission, for which Robert was to answer as above." [1]

Architectural Description of the Keep.—The keep at York is a very remarkable structure, and the only English example remaining of the kind. In plan it is a quatrefoil, each foil having an exterior radius of 22 feet, the walls are 9 feet 6 inches thick, and 33 feet 6 inches high to the present modern rampart walk. The diameter, measured across the centre of the foils, is 79 feet, and at their intersections 62 feet ; internally, these dimensions are 60 feet and 43 feet, the acute angles at which the curves would meet being cut off. At three of the exterior intersections are segmental bartizan turrets supported on massive corbels, and at the fourth towards the lower bailey, a forebuilding to defend the entrance.

Early castle keeps built of masonry were rectangular in shape. Later, round keeps were adopted, and the quatrefoil plan was considered an improvement on its predecessors. From a military point of view this was an advance, as the quatrefoil keep was intended to do its own flanking, and its garrison was better able to defend the position. There is a quatrefoil keep at Etampes in France. Whether York was copied from this it is impossible to say ; York, as we know, is of more recent date than Etampes,[2] and has bartizan turrets, which Etampes never had, and several other decidedly late thirteenth-century features.

Another reason is that openings which are preserved have the elliptic arch which was so common in the thirteenth century. The resemblance of York to

[1] Cal. Close Rolls, 1272–79, p. 283.

[2] M. Viollet le Duc, an authority on French castles conjectured that Etampes keep was built not earlier than 1150 or later than 1170. He should probably have assigned it a somewhat later date, because two of the floors were vaulted, a feature not usual at that early period.

Etampes[1] is very striking. There is no other keep of the quatrefoil plan having a quatrefoil interior and forming a tower.

COMPARISON—YORK AND ETAMPES (near Paris).

Dimensions in Feet and Inches.	Etampes.	York.
Exterior diameter long . . .	78′ 11″	79′ 0″
do. short . . .	62′ 4″	62′ 0″
Interior diameter long . . .	52′ 9″	60′ 0″
do. short . . .	36′ 1″	43′ 0″
Radius of foils	22′ 11″	22′ 0″
Walls, thickness	13′ 10″	9′ 6″
Height to battlements . . .	121′ 5″	33′ 6″ now

The entrance to the tower is on the south-east, between two of the foils, through a forebuilding much patched and renewed. This gatehouse projects 11 feet, and is 21 feet broad, having walls 3 feet 6 inches thick; its elliptical entrance arch has been repaired many times, and a remnant of the original portal is observable on the north-east side. Within the lobby or porch, on the right, is a stone seat for the warders; on the left is a ruined winding stone staircase, which led through the disused chapel[2] to the battlements above the forebuilding, an additional stairway erected in the seventeenth century and composed of the same kind of stone as the restored parts of the forebuilding.

Especial care was usually taken to cover the entrance of a keep; and the lobby on the ground floor

[1] See *Notice Historique sur le Chateau D'Etampes suivie d'une description des Ruines de Guinette par Léon Marquis*, 1885.

[2] The chapels of Newcastle, Middleham and Rochester were in the gatehouse,

Clifford's Tower: Interior, 1807.

From an Etching by Joseph Halfpenny.

of the forebuilding is really the vestibule of the actual entrance to the tower, an acutely arched and portcullised gateway 7 feet 4 inches wide, partly in ruins. The vestibule, and the chapel above, which encroaches upon the thickness of the keep wall over the gateway, evidently both had timber ceilings—no signs whatever of springers or groining appear; but the corbels on which the chapel floor rested are visible.

Within the portcullis was also a massive oaken door as well as a receptacle for a sliding horizontal bar by which it was secured. The portcullis, a strong grating of oak, strengthened and shod with iron spikes, and suspended in grooves by two ropes or chains from a chamber above the chapel, passed over sheaves or blocks and was worked by a winch or windlass [1] placed in the second storey of the gatehouse. The portcullis when drawn up into the chapel covered the face of the wall nearest the keep, and the aumbry could only be opened when the grating was down. The wooden floor would have traps to allow the passage of the grating when lifted.

A few years ago the interior of the tower had a growth of shrubs and ivy clinging around its mouldering arches, but fortunately all vegetation has been recently cleared away and the yawning crevices filled with mortar. The massive walls, although dreary and desolate, have an impressive appearance.

In the right-hand bay or segment, on entering, is the well, which was a necessary adjunct to such a keep. It may be the original Norman draw-well; as a good water supply was as essential to the garrison of the early timber tower, as to the occupants of the mediæval stone-keep. It is circular, 3 feet 6 inches in diameter, and rudely walled; being partly choked

[1] A typical windlass used for this purpose still remains in Monk Bar, York.

up, it now only measures 46 feet in depth. Formerly it would be upwards of 60 feet deep.[1]

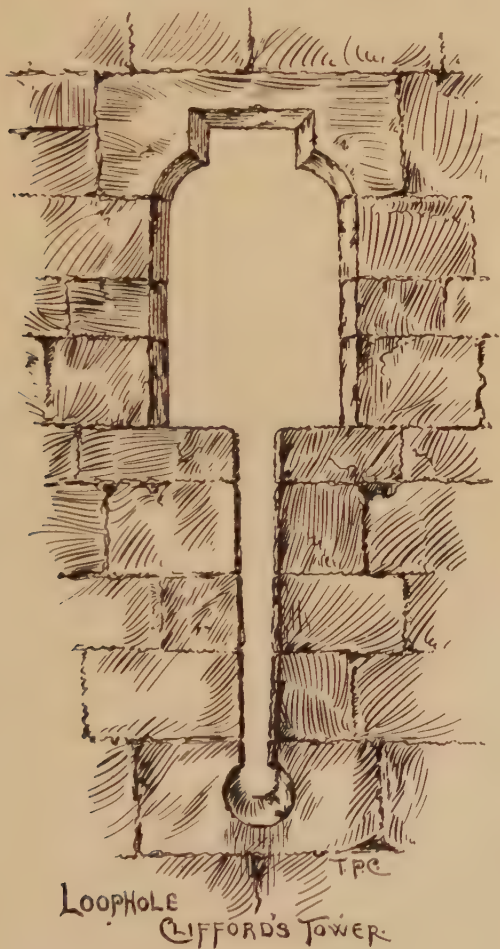
The present earthen basement floor is a little above its original level; and there do not appear to have been any underground dungeons. The interior of the tower, also quatrefoil in plan, exhibits the traces of an upper storey; the lower being about 20 feet in height; and the upper a little more than 13 feet. On the ground floor, in each of the four bays or foils, which stand nearly by the points of the compass, are two rather acutely pointed recesses, 5 feet to 6 feet broad and 6 feet deep, each containing a curious shouldered loop. These loopholes are in parts walled up and are best observable on the exterior face of the keep. They are unique in shape as no others of similar design have been recorded.

In the west and north bays on the ground floor are recessed fireplaces with semi-octagonal backs lined with tiles. Opposite the entrance, the junction of the two foils is pierced by two small doors leading into mural garderobes with interior shafts.

On the right and left of the entrance are well staircases 6 feet in diameter ascending to the first floor and the ramparts. From the floor of the keep the stairway on the left with nineteen steps leads up to the chapel floor, and eight more to the level of the upper storey of the keep. From this floor the battlements are now reached by seventeen original steps, but beyond these, perhaps ten steps have been de-

[1] In most cases where wells are found in artificial mottes, it is probable that they were dug first, and built up as the motte was proceeded with. At Orford there is a well-chamber in the heart of the mound, vaulted in stone of Transition Norman work. The well of Tickhill is within the area of the keep. Wells were placed in various positions. At Bamburgh, one of the most remarkable wells in the country was carried down 145 feet in whin rock. Cf. "Med. Mil. Arch.," vol. i. pp. 129, 144.

stroyed. By the staircase on the right, twenty-seven steps have to be ascended to the upper floor.



LOOPHOLE
CLIFFORD'S TOWER

The chapel measures about 16 feet by 14 feet 6 inches, and four arcades still remain on the east side, the outermost is pierced by a small lancet window splayed on the inside. On the side next the keep wall

are other four arcades ; the second from the east wall contains a locker. Above the locker the arcading is pierced by an opening or squint 2 feet wide, ascending through the keep wall which enabled persons in the domestic apartments of the tower to see the elevation of the Host at the altar.

Fireplace, Clifford's Tower, 1911.

The floor of the chapel is a little above its former level, and its ceiling has been destroyed. The present roof rests, probably, a few courses below the coping of the battlements of the forebuilding, and incloses the apartment in which the apparatus for raising the portcullis was fixed. The latter chamber was approached from the keep by a short passage through the thickness of the wall, and at the outlet was a small

shoulder-arched doorway, now walled up, but distinctly visible above the ceiling line of the chapel.

It is doubtful how the inner lodgings of the keep were arranged. Clark supposed that a gallery of timber apartments,[1] resting upon posts, ran round the wall, with a small open court in the centre. Recently the foundations of a pier were exposed by excavations in the centre of the motte. This discovery suggests that some pillar or support was erected in this place, and that the two stages of apartments radiated towards the outer walls. Seventeenth-century drawings indicate that the whole interior of the keep was roofed, probably with timber, and there is no evidence to prove that such was not the case in mediæval days.

The principal upper floor apartments, in the south and east foils on each side of the gatehouse, were lighted by drop-arched windows, which clearly prove that they were used as habitations. In fact, documentary evidence of the keep being occupied as a residence will be adduced in a succeeding chapter. These apartments were near the chapel, on the safest and sunny side of the keep, and at a distance from the mural garderobes on this floor and were tenanted by kings visiting York and certain noble families who occasionally lived in the keep.

Besides the two well staircases, ascending to this floor and the ramparts, there were two other staircases in the junction of the quatrefoils with an outlet on to the battlements. The top of the tower was thus approached by four ways, and could be quickly manned. Six shouldered openings, a little larger than those in the basement, with downward slits, form an upper set of defensive loopholes. The interior recesses in which they appear differ slightly in dimension.

At three of the exterior intersections are remains of bartizan turrets, but they, and the rampart walk,

[1] *Yorks. Archæological Journal*, vol. iv. p. 37.

have been despoiled of their battlementing. The present walk is about 2 feet below its original level, as will be noticed by the gargoyle which formerly drained the platform; the height of the gargoyle, on the outside of the wall, from the summit of the motte, is 35 feet 6 inches. The parapet around the top of the tower was no doubt crenelated, the turrets finishing some feet above. The masonry of the tower is exceedingly good, and has stood the stress of storm and wind for just over six hundred and fifty years.

From the summit the prospect is very extensive, and in warlike times the garrison's blazing cressets could be seen by watchful sentinels forty miles away

Masons' Marks, Clifford's Tower.

CHAPTER III

THE PLANTAGENET PERIOD (*continued*)

Edward I.'s castle works—Stone for York Castle from Tevesdale—City taken into the King's hands, 1280—Houses in Castle repaired—Earl of Strathern imprisoned, 1307—Castle to be securely kept—Various repairs, 1308–09—Parliament held and Great Seal delivered to King in the Castle—Gaveston's fate—Peel and ditch completed—House in bailey covered with lead—Henry de Perci and Robert de Clifford forbidden to enter York—King's horses seized—Great floods surround the Castle, 1315–16—Lancemakers in Castle—Edward lodges at Friars Minors—John de Yakesle makes tents, 1317–18—Fencible men garrison the Castle—Depredations by Scots, Battle of Myton—Great Seal handed to the King, 1320—Lancaster and Clifford executed—Important Parliament held—King nearly captured by Scots—Oaks for Castle works—Drawbridge, bretache, tower, springalds, etc., restored.

THE Castle in time of peace was allowed to fall into disrepair, but when a rebellion broke out, or the Scots threatened the city of York, orders were issued to the sheriffs and others to do the necessary repairs, and provide military stores and appliances. In such periods of unrest, the Patent and Close Rolls are filled with references to work authorized and executed, and many alluding to York Castle, during the reigns of the three Edwards, give much new and exceedingly interesting evidence of how the Castle was defended and strengthened.

On March 30, 1276, the sheriff of Yorkshire, Alexander de Kirketon, was ordered to cause the foot of

the bridge of the gate of York Castle to be repaired where necessary without delay. There were three gates to the Castle, the Great Gate opposite Fishergate Postern Tower, the City Gate at the end of the street of Castlegate, and a postern gate by St. George's Chapel. The city gate is frequently mentioned, and we read in 1267, the Church of St. Mary, Castlegate, described as "*juxta portam castri Ebor*"; "*ad portam castri Ebor*"; and "*juxta portam Castelli Ebor.*"

Edward I. built and restored many castles throughout the realm. Robert de Tybotot, constable of Nottingham Castle, had, in 1289, from the forest of Sherwood forty oaks for the works of the Castle. The bridge of the castle of Gloucester was repaired in the same year with timber from the Forest of Dene. In 1292 Walter de Bello Campo, keeper of Gloucester Castle, took forty oaks for castle works. Thomas de Bosco, constable of Corfe Castle in 1293 had eight oaks from the forest of Porchester and six from the forest of Gillingham, for castle works. Winchester Castle, Salisbury Castle and others were at the same time overhauled and strengthened. Carnarvon Castle was built by Edward I., and in 1295 "one hundred suitable masons experienced in such work" were chosen in the town of Chester and other parts to proceed to Carnarvon where the King urgently needed such men to proceed with the work he had in hand.

This period was pre-eminently a castle-building era, the old timber palisades were being replaced by walls of masonry, and mural towers were erected to strengthen existing fortifications. We have seen that Henry III. erected the keep at York, and to Edward I. and his successor we may, without doubt, assign the building of the circumscribing walls. We gather from the following record that Edward was busy with York Castle and quarried his stone at Tevesdale near Tadcaster.

"May 29, 1281. Writ directed to the Sheriff of Yorkshire, concerning a petition from the Canons of the Church of Howden (Houedene), that they have a quarry in Tevesdale, and cannot conveniently lead stone therefrom for the fabric of their church, on account of a nook of the King's quarry adjoining."

"Inquisition upon the articles contained in the writ, made by Robert le Marescall of Tadcastre, Thomas de Goderomgate, Adam Cardon, Thomas le Kew, Robert le Gardiner of Stutton, Geoffrey de Thorneton, Henry son of Gera, Thomas de Kereby, Hugh de Brinkill, Elias le Clerke of Neuton, John de Oskombe, and Richard de Malesoueres, who, being sworn, say upon their oath that it would not be to the annoyance or damage of any one, if the King were to grant to the Canons of Houedon the nook (*nokam*), but to the damage of the King, because the King now has more of the quarry than that nook, which is accounted to be one acre; and an acre in the quarry is worth to sell, six marcs. And whereas a certain part of that nook is being carried for the fabric of the King's castle, they estimate the residue at five marcs. Therefore they say that it would not be to greater damage than five marcs, because if the King wish to do any works in stone, he can have in the same quarry an acre which is worth more, for (*sic*)" [1] (Here the parchment is torn off.) On the back of the inquisition is a memorandum to the effect that Thomas de Normanville be commanded to view the quarry, and inquire into the truth concerning damage to the King.

The sheriffs of Yorkshire, Crown deputies, had supreme power [2] in the county, and the custody of all royal castles. On occasions when the mayors of York failed to suppress lawlessness, or showed signs

[1] "Yorkshire Inquisitions," Yorks. Archl. Socty. Record Series, vol. i. p. 219.

[2] Cf. Stubbs, "Early Plantagenets," p. 82.

of disloyalty, the King empowered the sheriffs to take control of the government of the city; the mayoral authority was superseded, and martial law prevailed. In 1280–82 no mayors were elected at York, and no new freemen were enrolled. On November 15, 1280, Edward I. appointed "during pleasure, John de Lithegrains to the custody of the County and Castle of York, so that he tender yearly at the Exchequer as much as Alexander de Kirketon and Randulph de Dacre, late sheriffs used to do." [1] The sheriff from his quarters in the Castle, which dominated the city, ruled with an autocratic power; and the civic authorities were not replaced in office until the payment of a heavy fine.

"Nov. 10, 1282. Mandate to John de Lithegrayns, Sheriff of York (shire), and keeper of the city of York, to restore to the citizens of York the mayoralty of the same town (*ville*) together with the town and liberty of the town lately taken into the King's hands by judgment of the court, to hold on the same terms as before, rendering the usual farm, and also to commit to them the wapentake of Aynesty, which the citizens claim to belong to the said city (*civitatem*), until Ascension, when the King will make his will known thereof, together with all the receipts thereof since last Michaelmas." [2]

On July 16, 1283, is recorded the "Restitution to the Citizens of York of the mayoralty of the said town, together with the town and liberty and appurtenances, lately forfeited by judgment of the King's court."

"Acquittance to the same for the payment by the hands of John Sampson, citizen of York, to Master William de Luda, keeper of the wardrobe, on Monday before Michaelmas 10 Edward I., of 350 marks; to Gervase de Clifton, constable of the castle of Notting-

[1] Cal. Pat. Rolls, 1272–81, p. 404.
[2] Cal. Pat. Rolls, 1281–92, p. 41.

ham on Saturday after Epiphany, 11 Edward I., of 440 marks; to the same Gervase, by the hands of Roger le Plaiz, on Thursday after the feast of St. Valentine, 11 Edward I., of 210 marks; all in part payment of 1,040 marks (£693 6*s.* 8*d.*), granted to the King for the said restitution." [1]

During the shrievalty of Simon de Kyme, who acted on the King's behalf from October 1, 1300, to October 1, 1304, the houses in the Castle, where Parliament sat, were repaired, and chests for the safe-keeping of the Rolls were bought, the bar and other things about the Exchequer, and seats for the auditors were constructed. The charge, £11 12*s.* 5*d.*, for the work appears as a respited item in Kyme's account at the Exchequer.

In the turbulent reign of Edward II. the City of York and its Castle were the scenes of great military activities, and at times they were threatened by the Scots. One of the first references associated with the Castle on the Rolls of this king's reign is a mandate for the removal and guarding of a distinguished prisoner of State. On November 6, 1307, Henry de Cobeham, constable of Rochester Castle, was ordered "to convey Malisus, Earl of Strathern of Scotland, in the said Castle, to York at the charge of the said earl under safe custody and honourably, but not in irons, there to be delivered by indenture to the Sheriff of Yorkshire, by whom he is to be detained in York Castle." Aymer de Valence, Earl of Pembroke, led Strathern to York, and the Sheriff of Yorkshire received an "Order to receive and keep the said earl in the Castle of York at the Earl's charge, there to be securely guarded without irons." The Earl was permitted to have two attendant yeomen and two servants, and the Countess his wife with two damsels was allowed to accompany him in exile, with a chap-

[1] Cal. Pat. Rolls, 1281–92, p. 70.

lain, who had to be an Englishman. Prisoners of the common sort were not confined in the keep, and it is

Gateway, Clifford's Tower (within).

probable Strathern and his lady were housed in some of its apartments.

Edward in the month of December 1307, whilst preparing for his journey to France was anxious about

the safety of the realm, and he instructed the constables of all Crown castles to keep them vigilantly on his behalf. A mandate, dated December 19, 1307, was addressed " To the Keeper of the King's Castle at York," wherein he was ordered " to safely and securely keep and defend the said Castle, so that no danger happen to the same ; the King, who intends shortly to set out for parts beyond sea, desiring that the castles of the kingdom should be diligently and safely guarded and defended for the greater security and tranquillity of his people."

The King left his profligate favourite, Gaveston, guardian of the realm, and set sail for Boulogne, in January 1308, to marry Isabella, the daughter of the French King, Philip V. The ceremony was celebrated January 25, and just a month later the King and Queen were crowned in Westminster Abbey. The reign of the new King was characterized by unhappiness, dissension and loss of prestige ; the baronage were disgusted with his partiality for the despicable Gaveston and the Despensers ; and the Scots, eager to vindicate their nationality and throw off English suzerainty, with redoubled vigour harassed and plundered to the gates of York.

The Constable of the Castle on April 6, 1308, was ordered " to fortify and safely guard the said Castle, so that no danger arise through want of fortification or guard." The following month a further order was issued by Edward " to repair the houses, walls and bridges of the King's Castle of York."

In July 1309, the sheriff was requested to repair the walls and bridges in the Castle. On October 18, a Privy Council (*secretum parliamentum*) was held at York under the presidency of the King ; which was really a " Council of War," to consider the various " acts of rebellion and treachery " of Robert Bruce, who had broken his truce. This and many similar

assemblies no doubt sat in the Castle, as we find that in 1312 Edward re-delivered " in the Castle," to Adam de Osgodeby, Robert de Bardelby and William de Ayremynne the Great Seal, which they had delivered to him at Windsor.

The Christmas of 1311 was spent by the King in York, where he welcomed Piers Gaveston, although he had been banished by Parliament and excommunicated by the Church. Edward's imprudent act greatly angered the wiser nobles in attendance at court. The King remained in the city until April 6, 1312, and in the meantime ordered the walls of the city to be strengthened and made ready for defence. Other Privy Councils were held in the month of February, and subsequently Edward and Gaveston journeyed to Newcastle-on-Tyne. The disgusted nobility, led by the Earl of Lancaster, quickly followed the royal party, intending to arrest the favourite, but he and the King took ship to Scarborough, where Gaveston sought refuge in the King's castle. Edward hurried to York for assistance, but in the interval his dissolute companion was taken, and soon afterwards was put to death.

The King, apprehensive of his own safety, doubtless, took shelter in the keep of his Castle at York. On May 28 the sheriff was instructed to complete the palisade (*pelum*) and ditch near York Castle that the King lately caused to be begun, and to cover with lead the chapel newly constructed (repaired) within the tower of the Castle.[1]

Probably a new palisaded or stockaded close, forming an outer rampart extending the bounds and increasing the accommodation of the Castle, was planned at this date. Within it buildings might be erected, such as barracks, store rooms, or stables. It is im-

[1] Cal. Close Rolls, 1307–13, p. 24.

possible at the present day to locate the site of this newly-formed enclosure, which was probably constructed for the safe-keeping of the King's horses, as those he had left behind at Newcastle had been seized by his barons in arms.

Shortly after Edward left York he, on July 10, appointed John de Mowbray to be keeper of the city and of the entire county of York, for the preservation of the peace and the tranquillity of the people, with power to inflict punishment on all ill-disposed persons and rebels. Gerard Salveyn, the sheriff, evidently had his hands full, and Mowbray was appointed to assist him in his arduous duties.

On July 12 an order issued from Westminster was given "to complete and cover the house that the King caused to be built within the Castle of York. which was not finished when the King left York." [1]

The Mayor, bailiffs and whole community of the city of York were ordered, August 15, "to safely guard the said city for the use of the King, not permitting Henry de Perci and Robert de Clifford and others, whom they or John de Moubrai and Gerard Salveyn suspect of evil, to enter the same. They are no doubt aware how the said Henry and Robert and others lately went to Newcastle-on-Tyne under colour of furthering the King's interest, when jewels, horses, and other the King's goods to a considerable value were taken and carried away without satisfaction being made to the King." [2]

A further mandate dated at Windsor September 27 ordered the sheriff to construct anew a palisade (*pelum*) between the bailey of the Castle and the motte, and a bridge from the bailey to the King's tower on the motte, and another palisade on the bank surrounding

[1] Cal. Close Rolls, 1307–13, p. 465.
[2] Cal. Close Rolls, 1307–13, p. 477.

the Castle bailey (*pelum supra murum*) [1] by the view of William de Vaus.

The battle of Bannockburn, fought June 24, 1314, so inglorious in the result, caused Edward to make a precipitate retreat to York, where he lodged in the Archbishop's Palace, near the Minster, until the middle of October.

During the winter of 1315–16 great floods surrounded the Castle, and washed away part of the soil of the motte upon which the keep is erected; and a wall on the mound which encircled the *chemin de ronde* also gave way. Particulars of the damage done are mentioned in the order for the repair of the defects, February 1, 1316, wherein the sheriff received instructions "to take with him twelve citizens of York and some masons and to survey the defaults of the walls of York Castle, and to repair the foundations thereof, if it appear to them that this can be done without pulling down the wall; as the King learns, by inquisition taken by John de Insula and John de Donecastre, that on account of the frequent floods of the rivers Ouse and Fosse, which floods have this year surrounded the Castle motte [2] (*que motam castri nostri circuibat*) deeper than ever they used to do, and have softened the soil of the motte (*terram motc illius demollivit*), the foundation of part of the Castle wall containing 262 feet in length has given way, so that that part of the wall appears to be a ruin." [3]

The King of England, with some desire to retrieve

[1] Close Rolls, 6 Edward II. m. 26. The words *murum* and *vallum* are both frequently used for an earthbank.

[2] In the Calendar of Close Rolls the word *motam* has been translated *moat* instead of *motte*, a mound. A ditch is always spoken of as *fossatum*, and it is only within the last few years that the word *motte*, signifying a conical castle mound, has been understood.

[3] Cal. Close Rolls, 1313–18, pp. 262–63.

his prestige and resist the Scots in their ravages, made great military preparations at York. The sheriff, on August 25, 1316, was commanded to expend forty shillings weekly, until further orders, in repairing the houses, walls and towers within the Castle, by the view and testimony of a citizen of York and a clerk of the sheriff and of another person to be deputed on the King's behalf.

The following month we find the King's Serjeant, Bernard de Lescar, and his two yeomen were busy making lance-heads in the Castle. Bernard received 4*d*. a day for his work; his two subordinates were paid 2*d*. a day; and this wage had to be paid to them as long as they remained in the Castle on that business.

Edward was in York superintending the equipment of his forces; and he and his suite lodged at the house of the Friars Minors, just below the Castle, in which he could easily seek refuge if the audacious Scots entered the city. In the wardrobe book for 1316, £6 13*s*. 4*d*. is recorded as paid by the King to John de Thurgenthorpe, the warden of the monastery, towards the erection of the river wall, the only portion of the Friary which remains to this day. The friars also received 40*s*. a week in alms during the King's visit, which was really a payment for lodgings, the royal party providing their own maintenance.

In March 1317 the King's Pavilioner, John de Jakesle, and his two assistants, Richard de Lodelowe and John du Chastel, were in the Castle repairing and making tents, and William de la Garderobe had custody of the King's arms. The sheriff paid John de Jakesle his wages at the rate of 6*d*. per day, John du Chastel received 5*d*. and two others 4*d*. a day. These tentmakers were unceasingly employed, and we find they were still in the Castle on July 24, 1318, at which date Simon Warde, who had been appointed sheriff

May 13, was instructed to pay them their usual wages, and continue to do so until further orders.

Forty fencible men were put in the Castle on November 1, 1317, and they were kept there at the King's wages for the defence thereof.

The sheriff, assisted by Archbishop Melton, keeper of the Border Marches, in June 1318 requisitioned all the able-bodied men of Yorkshire to be in readiness to proceed with the King, when he arrived, to march forth to resist the Scots who had occupied Berwick-on-Tweed, and were reported to have advanced into the county of Yorkshire. Five thousand men-at-arms assembled, but they failed to punish the Scots, who, undaunted, continued their plundering and burning. The towns of Northallerton, Boroughbridge, Knaresborough, and Skipton in Craven were destroyed, and Ripon was only saved from ruin by its people paying to the invaders an enormous sum of money. The churches of Tadcaster and Pannal were burned; and the Abbey of Fountains was for a time the headquarters of the enemy.

The city of York in the year 1319 presented the appearance of a vast camp, and amidst the turmoil of military preparations Parliament assembled and voted supplies for carrying on the Scottish war. The King was continuously in York, and his Privy Council ordered the houses within the Castle to be repaired for the Court of Exchequer.

Edward, who was at Roxburgh on September 4, sent word to the sheriff to garrison the Castle with an extra levy of men-at-arms, authorizing him to pay their wages out of the issues of his bailiwick, "as the Scottish rebels have entered the county of York, and lie in wait for the city and Castle." The Archbishop mustered all available men and with a small army, composed chiefly of ecclesiastics, he marched out to resist the Scots, who were overtaken at Myton

on Swale on September 13. A battle ensued in which the English were defeated; the Archbishop fortunately escaped, but the Mayor of York, Nicholas Fleming, was amongst the slain. Soon after this disaster the King returned to York without encountering the enemy, where he remained until the beginning of the year 1320. He lodged with the Friars Minors and a memorandum records "that on Wednesday, January 23, John de Hothum, Bishop of Ely, the Chancellor, delivered, in the King's chamber in the house of the Friars Minors at York, the Great Seal to the King, who received it into his hands, and placed it at the head of his bed, in the presence of Aymer de Valence, Earl of Pembroke, Hugh le Despenser, the younger, and Bartholomew de Badelesmere." [1]

The great tower of the Castle needed some repairs in 1320, and on May 8 the mayor, Robert le Meeke, had orders to view it and determine, in conjunction with the sheriff, what work should be executed.

Edward and his adherents were unable to check the wily Scots in their maraudings; treaties were of no use, as the hardy warriors from beyond the border were able to evade the strategic plans of the English King. In the futile attempt to hold the north of England, Edward, in February 1322, ordered the constables of Bamborough, Knaresborough, Scarborough, Barnard, Tickhill, Nottingham, Newcastle and York castles in the following terms to cause their said castles to be safely kept, and to be found with victuals out of the issues of their bailiwicks; adding that if the issues are insufficient for this purpose they must take victuals elsewhere in the neighbouring parts, according to the tenor of *Magna Carta*, causing those from whom they shall take victuals to know that the King is coming to those parts for the protection thereof against the attacks of the Scots, and that

[1] Cal. Close Rolls, p. 219.

they must then come to the King to receive payment for the said victuals. They, the sheriffs, must certify the King in his wardrobe of the victuals thus taken, their price, and the names of those from whom they have been taken.

Another significant order issued by the King in February to all the sheriffs in England, is reminiscent of the unsettled state and tumultuous behaviour of his own people. The mandate reads: "Order to raise hue and cry upon all those who shall appear to him to be contrariants of the King and upon their adherents, and to pursue and arrest them, taking with him the *posse* of the county if necessary, as certain magnates and others are going about the country taking the King's castles and towns and the castles and towns of his faithful subjects, wounding, beating and slaying certain of the King's men and servants, and stealing the clothing, jewels, beasts, and other goods and chattels of the King's men and subjects, and slaying certain of the said men and imprisoning others until they make grievous ransoms, notwithstanding the King's proclamation for the preservation of the peace." [1]

Several powerful peers had quarrelled with their King, and the foregoing order may refer to the movements of Thomas, Earl of Lancaster, whom Edward regarded with bitter hatred. Lancaster had been instrumental in having Gaveston executed, and he with other nobles refused to follow the King in his Scottish campaigns. The Earl and his followers came into collision with the royal forces at Boroughbridge, March 16, 1322, and were defeated. Lancaster and Clifford with others were captured and executed; and the body of Clifford was hung in chains upon the summit of the keep of York Castle.

Edward, after the execution of Lancaster and his

[1] Cal. Close Rolls, p. 512.

adherents, evidently felt more secure in his government of the realm, and on April 13 he issued orders to the keepers of sixty-two castles in England and several in the Marches of Wales to reduce their garrisons to normal conditions. With regard to York Castle the sheriff was addressed thus : " Amove from the Castle the munition of men that the King lately caused to be put therein by reason of the late disturbances in the realm, and keep the Castle in the same way as before the disturbances, and cause the King's victuals therein to be kept safely at your peril, and cause the victuals that will not keep to be sold, and cause others to be bought in their place, and cause them to be renewed as often as may be necessary, as the King wills that the victuals to be thus kept and renewed shall be at your risk, and he is writing to the Treasurer and Barons of the Exchequer to cause you to be charged therewith."

The greater part of 1322 Edward spent in York, and he summoned a Parliament to meet May 2, which assembled at the monastery of the Friars Minors. It was the last legislative council this king convened at York, and it was the most important ever held in the city.[1] It included two archbishops, nineteen bishops, two priors, and two masters, nine earls, seventy-two barons, and thirty-three of the council (who, with the knights of the shire, and burgesses, were, as on former occasions, commanded to attend), besides forty-eight discreet, lawful and able-bodied men from the Principality of Wales and two members from each of the Cinque Ports. This numerous meeting of representatives sat for at least thirty days, and Scottish affairs were the chief topics discussed. Another army was to be equipped and the King urged

[1] Cf. " Parliaments held at York," " Memoirs of York," 1846, p. 13.

his subjects to muster in great numbers and be with him at Newcastle-on-Tyne by July 24.

In the autumn there was another inroad of the Scots into Yorkshire, and the King was almost captured near Rivaulx Abbey, where he had to leave his treasure and plate, which was seized by the enemy. Edward's efforts to prevent the incursions of the Scots were of little avail. The arrogant claim of the overlordship of Scotland by the Kings of England caused great hardship and suffering amongst the populace of the north. Unnecessary hatred was engendered between the two peoples by misguided monarchs, and for hundreds of years the border country was daily the scene of massacre, robbery, violence and devastation. The unsettled condition of the times is only partially understood by the following typical mandate issued by the King on May 18, 1323, to the sheriffs of the border counties and the Bishop of Durham, wherein they are requested "to make proclamation that as the Scots may invade the realm immediately after the quinzaine of Holy Trinity all persons in his bailiwick are before that time to take their animals towards the parts of Yorkshire where they will be safe from the incursions of the enemy, and their victuals, stock, and all other goods to castles and walled towns for safety, so that the enemy if they invade the country may not have any sustenances. The King has also commanded John de Crombwell, keeper of the forest on the north side of Trent, and the sheriff of Yorkshire, to permit such persons to come to the forest and depasture the same with their beasts free of charge; the sheriffs to prevent injury being done to such persons; and the constables of castles and keepers of walled towns on the north side of Trent are commanded to permit such persons to bring in their victuals, stock and goods and to remain therein." [1]

[1] Cal. Pat. Rolls, 1321–24, pp. 288–89.

Through the continuance of unfriendly relations with the Scots, and the perpetual fear of their depredations, the castles and walls of northern towns required unceasing repairs. York was the bulwark which checked their further advance into the heart of England, and its ramparts and walls would never have been made so formidable if peace had reigned between the two countries. The Castle frequently needed restoring to keep it in a state of effectual defence. On July 15, 1323, the sheriff was permitted to expend £20 in the repairing of the Castle and the houses within the same, by the view and testimony of the mayor of York, Nicholas de Langton, who held mayoral power for twelve consecutive years.

On September 16 Henry le Scrop, Justice of the Forest north of the Trent, was ordered to cause the sheriff of Yorkshire to have six oaks fit for timber in the Forest of Galtres, for certain works in the Castle enjoined by the King. In October the sheriff was requested to expend up to six marks in repairing the wooden palisade about the great tower, which palisade had fallen down.[1]

It is rather incongruous that an ecclesiastic, essentially a publisher of peace, should be a military commander and take such interest in fortifications. Yet we find William de Melton, Archbishop of York, overhauling the Castle for defects. The King addressed the sheriff thus: "Whereas by the testimony of the venerable Father, William de Melton, Archbishop of York, our Treasurer, we have heard that the drawbridge of our Castle of York, and another bridge adjacent to the same, and also the bridge between that Castle and our tower there, as also the bretasche between the said Castle and tower, are ruinous and rotten and are in need of great repair and that the lead on the great tower is in great part consumed and

[1] Cal. Close Rolls, 1323–27, p. 25.

our springalds in the same Castle are out of order and likewise need repair, and that in the same Castle there are not crossbows nor quarrels or missiles (*jaculi*) for the defence of the same, we command thee, etc." [1]

This is a valuable excerpt as it tells us how timber still formed an important part in castle works. A bretasche is often described as a wooden brattice work or gallery projecting from the top of a tower or wall, from which defenders could drop or throw missiles down upon besiegers, an arrangement which was superseded by stone machicolations. The word more generally means a wooden tower ; the principal towers or wooden keeps, and towers on walls have frequently been thus named. Bretasche is repeatedly used when describing a gatehouse tower on a bridge, and we presume such a wooden structure is referred to on this occasion. There was a wooden bridge over the ditch between the great bailey and the motte, and on it was this bretasche [2] or gatehouse tower, from which the drawbridge would be worked, and its defenders could conveniently shower arrows upon an enemy attempting to assail the motte from below.

The springalds that needed repair were enormous bows of the nature of crossbows, with which large arrows could be cast with such great force that one projectile would kill several men. Quarrels were darts or arrows used by crossbow-men, and the missiles required were probably stones for the stone-throwing engines.

On February 13, 1326, the Treasurer and Barons of the Exchequer were directed to cause the defaults in York Castle to be surveyed by some one in whom they could confide, and cause them to be renewed,

[1] Roll 5, 20 Ed. II. (1325), p. 299.

[2] Cf. "Early Norman Castles," *Eng. His. Review*, April 1904, p. 24.

unless great cost is required, in which case they had to certify the King with all speed. This appears to be the last order given for repairs at York Castle by the unfortunate King Edward II., who was deposed the following year.

CHAPTER IV

THE PLANTAGENET PERIOD (*concluded*)

Defiant declaration by Robert Bruce—Precautionary measures at the Castle—Edward and his army out-manœuvred, 1327—Isabel, the Queen-Mother, resides in the Castle—Tower for the Queen's use repaired—Henry of Lincoln's account for work done—House in the Castle prepared for the Exchequer, 1327—Depredations by Scots, 1333—Stone for Castle bought of the Prior of St. Andrew's—Yakesle, the King's Pavilioner, employs men in the Castle—Houses in the Castle repaired for Queen Philippa—Night watchman employed—Royal Treasury at York robbed, mandate to the Mayor—Palisades in the Castle renewed, 1334—Preparations for Edward's visit to the Friars Minors—Castle keep tenanted as a residence by the Countess of Bogham, 1338—Edward sails for Flanders, a ship built at York for his fleet, 1338—Castle works in 1345—The keep damaged, 1358—Richard II. in the Castle.

EDWARD III. was proclaimed King, January 24, 1327; his reign of fifty years was crowded with momentous events, and during that period we find many contemporary notices of work executed at York Castle. The aged champion of Scotland, Robert Bruce, sent a formal defiant declaration to Edward, about Easter, that he would devastate England as he had done before the battle of Bannockburn. On April 24, 1327, Adam de Hoperton and Thomas de Eyvill, as a precautionary measure, were commissioned to inquire touching divers wastes, destructions

and damage done in the King's Castle of York, and the houses and walls thereof.

The English King issued a proclamation summoning all the tenants of the Crown to meet him in arms at Newcastle-on-Tyne on May 19. A great force was ready at York, and Edward hearing that the Scots had already advanced into England marched northwards in search of the enemy. His army was on more than one occasion face to face with the Scots, but the former was out-manœuvred by the invaders.

Whilst Edward and his forces were thus engaged, the Queen-Mother, Isabel, and her younger children resided in the Castle of York, and the city was strictly guarded. A certain tower in the Castle was repaired and set apart for their lodgings. Very few traces of the Edwardian castle remain, the keep, a short length of the enceinte and two mural towers are the only portions left.

The exact sites of the many erections in the great bailey and how they were arranged is unknown, the only intimation of their existence being found in the various orders for their repair, and some of these documents are exceedingly interesting. The tower for Queen Isabel's use, probably the keep, was repaired by a carpenter, Henry of Lincoln, who died before his account had been rendered at the Exchequer. His widow sent in a detailed schedule of the expenses incurred and the works executed by and under her husband's supervision.

"Account of Henry of Lincoln, carpenter, deceased, and Matilda who was wife and executrix of the will of the same Henry for the same deceased concerning the money received and spent by that Henry from the King's Treasury at York for the repair of a certain Tower within the King's Castle there and his expenses incurred by him about the aforesaid repair in the first year of the reign of King Edward III. by the King's

writ of Privy Seal dated the 7th day of November in his second year, enrolled in the middle of the third year among the writs directed to the Barons in the term Michaelmas of the same year. In which it is set forth that whereas Master Henry the Carpenter deceased lately received a certain sum from the King's Treasury for a certain Tower within the King's Castle at York appointed to be repaired for the reception (*recepta*) of the King's mother, and the said Henry rendered no account concerning the receipt of the aforesaid sum in his lifetime, the King ordered his Treasurer and Barons of Exchequer that they should summon the executors of the will of the same Henry to render the aforesaid account and receive the same, legally dividing the expenses about the repair of the aforesaid Tower and examining the allocation according to their judgment from the aforesaid works done.

"*Receipts.*—The same defendant accounts for £28 received from the King's Treasury at York concerning her expenses about the repair of the aforesaid Tower appointed for the Queen's reception within the aforesaid Castle in the aforesaid first year as in the Roll of particulars which is delivered in the treasury.

"Total received £28. Of which—

"*Expenses.*—The same accounts for providing in timber, planks, and poles for the repair of the aforesaid tower, for carrying the said timber and planks as far as the aforesaid Tower and for repairing and amending therewith the same Tower according to the agreement made in full with the carpenter by the sight and testimony of Henry de Fauconberge then High Sheriff of Yorkshire £20 as contained in the said King's particulars. Also for the hire of one mason for amending the defects of the walls of the same Tower in places during ten days, taking per day 4½*d.*, and of two men for carrying sand and assisting thereat

for six days each taking per day 3*d*. a cart hire for carrying gravel for the same, and for a plumber casting lead into tiles for the roof of the same tower, 7*s*. 7*d*. as contained in the same. Also for planks, sticks, and hinges for a certain door above the same gate of the Tower with a lock and key bought for the same door 4*s*. 10*d*. as contained therein. Also for 202 stones of lead as aforesaid for the roof of the said Tower bought at the price of 4½*d*. a stone—75*s*. 9*d*. as contained therein. And for melting 202 stones of lead for the roof of the said Tower and making into tiles, for every stone of lead melted and made into tiles 1*d*., which with carriage and portage of the said lead from the Castle to the house of the plumbers, and from thence carrying back the said lead, when made into tiles, to the Castle with the plumbers' wages 60*s*. 6*d*., as contained therein. And for doing anew with plaster a certain little room in the said gateway in the said Tower by agreement made with the plasterer in full for his own charges and iron bars bought for the same 25*s*. as contained therein.

" Total expenses £28 13*s*. 9*d*.

" And there is a surplus of 13*s*. 8*d*. (over receipts).

" *Lead*.—The same defendant accounts for 431 stones of lead received from the old roof of the said Tower, and for 202 stones of lead by purchase as above. Total 633 stones of lead.

" *Expenses*.—Of which the same accounts for lead melted and made into 18 tiles for the roof of the said Tower 564 stones. And for 69 stones of the said lead wasted by fire in melting, viz. for every stone of 394 stones of lead from the old roof in that which was fully made and glazed 1½ lb. and for every stone from the remainder of the lead 1 lb. Total 633 stones. And it balances.

" *Tiles of lead*.—The same defendant accounts for 18 tiles of lead made from 564 stones of lead as above.

And used in the roof of the aforesaid Tower. And it balances." [1]

In August 1327 the King ordered the Exchequer to be removed to York by Michaelmas, and to be "held there for so long as the King shall stay there for the expedition of the Scotch war in the north," and houses in the Castle were repaired for the purpose.

On January 24, 1328, Edward was married with great pomp at York to Philippa, daughter of Count William of Hainault. A Parliament assembled in the city on February 7 and sat for twenty-eight days, and a treaty arranged between King Edward and Robert Bruce was ratified at one of its sittings. For a brief period peace reigned between the two countries, but immediately after the death of the aged Bruce the great barons of the north of England determined to compel the Scots, by armed force, to fulfil their part of the stipulations of the recent treaty which had been neglected.

The English King was reluctant to break the peace, but his powerful barons on their own account sailed from Ravenspur in 1332 and invaded Scotland. The Scots were beaten by a handful of men, and Balliol against their wishes was crowned King in place of the rightful sovereign, David. Early in 1333 the recommencement by the Scots of their wonted depredations on the English border supplied Edward with a pretext for renewing hostilities, and military preparations were carried on at York and the Castle was repaired.

About this time a quantity of stone valued at £10 was procured from the Priory of St. Andrew, Fishergate, without the walls of York, for works at the Castle. On March 24, Richard le Goldsmyth of York was appointed to choose with all speed sixty of the best carpenters to be found in the county of York

[1] Pipe Roll, No. 173, 2 Edward III. mem. 42d.

to make engines of war for the King, and to bring them to the places where such engines were to be made. Two days later the high sheriff was instructed to cause the houses where the King's armourers and other smiths making armour for the King dwelt, near the Castle, which houses lately belonged to the Templars, to be repaired for them to work in, by the view and testimony of Nicholas de Langeton, mayor of York, and if necessary newly constructed.

At the beginning of April Master John de Yakesle, the King's Pavilioner, was in the Castle on the King's business, and the mayor and bailiffs of York were commanded to cause as many smiths, carpenters and tailors as Yakesle required to proceed to the Castle and " do divers arduous affairs, as John shall order them on the King's behalf." The city of York at this date had also to provide 100 men-at-arms ready to set out with the King against the Scots, as well as other Yorkshire towns which sent varying numbers according to their populations. When all was ready Edward advanced with his army towards Berwick-on-Tweed, and left his Consort, Philippa, at York. The Treasurer and Barons of the Exchequer and the Chamberlains were instructed to cause houses in the Castle suitable for receiving the Queen to be repaired and if necessary newly constructed at the King's cost. The keeper of Galtres Forest had to provide the timber required for repairs or reconstruction. A more detailed order was issued to the sheriff, June 12, which in an interesting manner describes the situation of the Queen's residence.

" To the Sheriff of Yorkshire. Order to cause the timber of an old and ruinous house in York Castle on the south side, to be pulled down, and of that timber and other timber to be brought by him, if necessary, to build a house on the north side of that Castle, for the receipt of Queen Philippa, with exchequers,

and other things necessary therefor, and to cause a certain paling in that Castle from the great door of the hall of the King's Exchequer on the east side of the said hall to the south end of the same, to be newly made, and another paling in that Castle on the north side of the same for enclosing the King's receipt there, and also to cause a certain wooden bridge near the portico which leads from the said Castle on the south side to the King's mills of that Castle, to be newly built, from the issues of that bailiwick, by the view and testimony of Nicholas de Langeton, mayor of York. By bill of the Treasurer." [1]

During the time Philippa lodged in the Castle, a watchman was placed on guard at the King's wages, and the Barons of the Exchequer had to make allowance " to Peter de Saltmersh,[2] sheriff of Yorkshire, in his account at the exchequer, for 33*s.* 10*d.* if they find that he has paid that sum, as the King lately ordered the sheriff of Yorkshire to pay to a watchman in York Castle his wages of 2*d.* a day for watching that Castle by night from August 11 last and 10*s.* for his robe, yearly, as long as he should be in that office." [3]

In midwinter the peace of the city and its suburbs was disturbed by armed men committing robberies and other crimes; so audacious were the malefactors that even the royal treasury was broken into and jewels and other valuables stolen. The following mandate, dated January 30, 1334, to the mayor and bailiffs of York gives us a vivid picture of the lawlessness of the times :—

" Whereas the statute of Winchester in the time of Edward I. ordained the keeping of watch and ward and the treatment of vagrants, and in the statute of

[1] Cal. Close Rolls, 1333–37, p. 154.

[2] Peter de Saltmersh, sheriff, from June 3, 1332 to January 27, 1335.

[3] Cal. Close Rolls, 1333–37, p. 212.

Northampton passed in the second year of the King's reign, it was ordained that no one except a minister or the King should use armed force or go armed in fairs, markets, etc., under pain of loss of his arms and imprisonment during pleasure, and in the statute of Westminster, in the fifth year of the King's reign, it was ordained that suspected persons should be arrested and delivered to the bailiffs or sheriffs, to be kept in prison until the coming of the justices ; and now the King has learned that several malefactors and disturbers of the peace, not respecting these statutes, making assemblies and illicit gatherings both by day and night in York, its suburbs and neighbourhood, go about armed and lie in wait for those coming and going to and from that city, and staying there, both the King's ministers and other lieges, and beat, wound and rob them ; and not content with this, they have gone by night to the hotel of Master Robert de Aylesston, the treasurer in that city, in whose custody are the treasures, jewels and other secret memoranda of the treasury, and to the King's wardrobe, in a great multitude with armed force, and have broken the doors of the hotel and wardrobe, insulted the treasurer and the King's men, and feloniously taken and carried away the jewels and other secret things as far as they were able, and they daily commit like evils in the said city and suburbs, for which things the mayor and bailiffs have applied no remedy, as they ought ; and because the King does not wish such crimes to remain unpunished, chiefly because the chancery, exchequer and Common Bench are now in that city and the people are daily coming to the city for that cause, the King therefore orders the mayor and bailiffs to arrest all such malefactors without delay and imprison them at York so that none of them may be released without the King's order, and to find out by inquisition, the names of such malefactors and of those who har-

bour them, and to arrest all those who are found guilty, and likewise keep them in prison, so that the King may not have to complain of the negligence of the mayor and bailiffs." [1]

In December 1334 the palisades erected on the outer edge of the bailey on the motte were very defective and required repairs, and similar defensive stakes on the counterscarp of the ditch between the motte and the castle bailey also needed renewing. The keeper of Galtres Forest had to deliver sufficient timber to the sheriff who superintended the work of restoration.[2]

Early in 1335 the King contemplated lodging at the Friars Minors, just below the Castle, and, as was usual, instructions for repairs, etc., were simultaneously given to the King's Treasurer and Chamberlains, and to the sheriff of Yorkshire and others, and a comparison of the two orders is highly interesting—

"March 2, 1335. To the Treasurer and Chamberlains. Order to cause the defects of the walls, palisades and houses within York Castle, and of the King's houses near his mills below the Castle where they occur, and of the walls of the pond of those mills and of a certain wall and spring in the garden of the Minorites near the door of the kitchen to be repaired and amended for the King's easement when he shall stay there, with his money, and to be newly constructed where necessary, and to cause this to be done as shall seem best for the King's convenience. The King has also ordered Ralph de Nevill, keeper of the Forest this side Trent, or him who supplies his place in the forest of Galtres, to cause sufficient timber in that forest to be delivered to John de Bray, supervisor of the said works, for those works." [3]

[1] Cal. Close Rolls, 1333–37, pp. 294–95.
[2] Cal. Close Rolls, 1334, p. 284.
[3] Cal. Close Rolls, 1335, p. 378.

" March 2, 1335. Mandate to the sheriff of Yorkshire and all bailiffs, ministers and lieges in the county, to provide sufficient carriage for John de Bray who has been ordered by the King and council to bring such timber as shall be necessary from the forest of Galtres to York for making and repairing walls, palings and houses within the King's Castle of York, his houses by his mills beneath the Castle, where the smiths work, the walls of the pond of the said mills, and a wall and well in the garden of the Friars Minors by the door of the kitchen for the King's refreshment when he shall stay there." [1]

The King employed a night-watchman in the Castle, who kept a vigilant look-out to detect any nocturnal attacks. On December 7, 1335, Thomas de Rokeby was ordered to pay the King's watchman the arrears of his wage of 2*d*. daily from the time of his appointment as sheriff, and to pay such wages henceforth, and also 10*s*. for his robe yearly, from the issues of the bailiwick. Similar orders were numerous about this period and appear on the Close Rolls.

We have further evidence in 1338 that the keep was used as a residence, and its apartments were tenanted for some time by a lady of rank. On March 3 the sheriff was requested " to deliver to Henry de Bello Monte, Earl of Bogham, and the Countess his wife, the tower without and near the King's Castle of York, because the Earl is about to set out to parts beyond the sea in the King's company, and at his request the King has granted to the Countess the easement of the houses in that tower for her stay there with her children, while the Earl is in the said service, provided that the King's things in that tower be safely kept for his use. By the King." [2]

King Edward III. sailed from Orewell for Flanders

[1] Cal. Patent Rolls, 1335, p. 85.
[2] Cal. Close Rolls, 1338, p. 322.

with 200 ships, one of which had been built on the Ouse by the men of York at the common expense of the city. He first set foot on the Continent on July 22, 1338, and thus commenced the invasion of France which their historians called "the Hundred Years' War."

The next order for work at the Castle was given November 7, 1345, when the sheriff was instructed to "cause the defects of the houses in York Castle to be repaired up to the sum of 20 marks."

After the keep, or great tower, had withstood the stress and storm of just one hundred years we find a reference to its condition recorded in 1358. At this date it is reported to have two great cracks from the foundations to the summit.[1] The tower was probably repaired; at the present day the fissures are still noticeable, though no material subsidence has occurred.

During the reign of Richard II. the Scots were less active in their depredations, and few notices of castle works at York have been observed. Richard visited York in 1385, and from an entry on the Patent Rolls we find he transacted state business in the Castle on July 22. A few days later the King gave instructions [2] for a cross to be erected at the village of Middlethorpe, near the Archbishop's Manor House, where

[1] "Dicunt quod magna turris castri regis de Ebor. in se ruinosa est, et scissa in duobus locis a fundamento usque ad summitatem, maxime propter debile fundamentum ejusdem, etc." Inquisitiones ad quod damnum, 33 Edward III., p. 329.

[2] "July 26, 1385. Appointment of Master Robert Patryngton and John Heyndele, masons (at the Cathedral), to arrest in the county of York and elsewhere, except in the fee of the church, sufficient masons and other workmen and labourers for the construction of a cross which the King has ordered to be made at Middlethorpe, and set them to work thereon at reasonable wages, with power to imprison the disobedient" (Cal. Pat. Rolls, 1385, p. 13).

he lodged for a short time. The King was again in York in 1389, and also spent the latter half of 1392 in the city, and summoned a parliament for October 14, but it never met. In the same year the Court of the King's Bench was brought to York for a brief period, at the intervention of Archbishop Arundel. The costs of the amending and preparation of the houses in the Castle yard in which the court of the King's Bench was held are recorded as follows—

"ACCOUNT of John Melton, clerk, of the receipts, costs, and expenses made by him about the making repair and amending of divers houses within the King's Castle of York against the coming of the King's Court there between the 23rd day of June in the 16th year (1392) and the 10th day of January next following under the King's writ Patent dated the 25th day of June in the 15th year (1391), directed to the aforesaid John amongst others and delivered on this account. In which same writ is contained amongst other things that the King appointed him John amongst others to arrest, take, and place in the aforesaid works as many latteners, carpenters, and other workmen and labourers as should be necessary for making the repairs of the houses within the Castle aforesaid and wherever they could be found within the liberties and without, the fee of the church only excepted, and as well for the King's Exchequer and the Receipt thereof as for the Common Bench and the array of pleas of the same Exchequer in the Bench of Receipt. And also to pay for, take, and provide stone, timber, tiles, sticks, and all other things necessary for the King's works aforesaid and carriage for the same stone, timber, tiles, and other things necessary to the same Castle for the King's houses in that respect reasonable according to the discretion and advice of the King's Treasurer and Chamberlains. Also under another King's writ of the Privy Seal dated the 31st day of January in the 17th

year directed to the Treasurer and Barons of this Exchequer which is among the common things of Easter term in the same year, by which writ the King with the assent of his council ordered the same Treasurer and Barons that they should reckon with the aforesaid John on his oath concerning every kind of costs and expenses by him made about the repair and amendment of the aforesaid houses, making the allowance due to the same John by his oath for such wages for masons, tilers, and other labourers and workmen as the same John has paid to them for the time being upon the repair and amendment aforesaid, and should stir up workmen, the Statute of Labourers lately therein put forth in the King's Parliament last held at Canterbury notwithstanding; the King willing with the assent of his council that the aforesaid Treasurer and Barons at their discretion be held responsible to the aforesaid John in the acts, wages, or rewards by way of customs, works, and expenses which he sustained there for the time being about the King's works above mentioned to be seen from the receipts, costs, and expenses of this account as below.

"*Receipts from the Exchequer.*—The same defendant accounts for £20 received from the Treasurer and Chamberlains at the Receipt of the Exchequer on the 22nd day of November of Michaelmas term in the 16th year upon the aforesaid works as is contained in the middle skin at the same Receipt for that term and year, and also in a certain Roll of particulars here in the Treasury delivered.

"Total Receipts £20.

"*Receipts from the Bench.*—The same defendant accounts for £248 0s. 2½*d.* received from Ralph Euer,[1] lately High Sheriff of Yorkshire from the outgoings of his bailiwick about the aforesaid works by an Inden-

[1] Sheriff from October 21, 1391 to October 18, 1392.

ture made between the same Ralph and the aforesaid John, of which the date is the 24th day of October in the said 16th year delivered upon this account as is contained in the said Roll of particulars. And for £1 13*s.* 4*d.* received from old timber from the old hall remaining of the works there and not used, so sold to divers persons as contained therein. And for £38 18*s.* 2*d.* received from Ralph, Lord of Neville for 7 fother 8 stones of lead bought and used by him about the King's works below mentioned and as therein contained.

" Total of Receipts from the Bench £288 11*s.* 8½*d.*

" Total of Receipts added together £308 11*s.* 8½*d.*

Of which—

" *Expenses.*—The same (defendant) accounts for plaster, timber, boards, latten, iron, lime, tiles, locks with keys, hinges, joints, sticks, glass, lead and other small necessaries bought and used for the works aforesaid, together with the carriage, freight, and porterage of the same things from the different places where they were bought and provided as far as the said King's Castle at York, also for the wages of masons, carpenters, sawyers, plasterers, plumbers, tilers, daubers, and other workmen for carrying on the aforesaid works at divers times between the aforesaid 23rd day of June in the 16th year and the 10th day of July next following, together with 2 iron mattocks, 2 wheelbarrows, 1 handbarrow, 1 little cupboard for the office of the Usher of the King's Great Exchequer, 1 chest for keeping safe the rolls and other mems. on the part of the King's Remembrancer therewithin kept, bought and not yet used £306 8*s.* as by the aforesaid King's writs in the title of this account annotated and as contained in the said Roll of particulars. Concerning which same 2 iron mattocks and other things aforesaid the same John has to answer. And he does below.

" Total Expenses £306 8*s*.

" And he owes therefore 43*s*. 8*d*. And it is in Roll 16 in Item Sussex.

" *Dead Stock*.—The same defendant accounts for 2 mattocks of iron, 2 wheelbarrows, 1 handbarrow, 1 little cupboard for the office of the Usher of the King's Great Exchequer, 1 chest for Rolls and other memoranda of the King's Remembrancer therewithin kept received by purchase as above contained and also in the said Roll of particulars.

" *Total Receipts* 2 iron mattocks, 2 wheelbarrows, 1 handbarrow, 1 little cupboard, 1 chest.

" *Delivery of Dead Stock*.—The same accounts that he has delivered to John Barden, Keeper of the King's Castle aforesaid among other divers and necessary things to the use of the King's Keeper, by Indenture between the same John Melton and the aforesaid Keeper thereupon made, as is contained in the said Roll of particulars. Concerning which same 2 iron mattocks and other things and necessaries aforesaid the same Keeper is made responsible by the aforesaid Indenture inrolled in a memorandum of the Exchequer among the Records of Michaelmas term in the year 16 on the part of the King's Remembrancer. And it balances." [1]

[1] L.T.R. Foreign Accounts, 16 Richard II., No. 27 m. H.

CHAPTER V

DESCRIPTION AND DISPOSITION OF THE CASTLE, A.D. 1400

Early aspect of site—A Roman burial-place—Houses on site demolished by Normans—Earthen and timber Castle erected—Wet ditches and large pool formed—Timber keep substituted by one of stone—Isolated position of motte and keep—Wooden stockades replaced by walls—Its three gates described—Wooden bretasche used—The great timber bridge and its approaches—Dimensions of city gates compared—Flanker near the great gate—Small outer bailey formed—General use of stockades—Mediæval buildings in the Castle.

THE Castle of York at the end of the fourteenth century was, no doubt, at the height of its completeness, and no documentary evidence has been found recording later additions, or material alterations, increasing its usefulness or strength as a fortress. In the preceding chapters its foundation, new erections, improvements, alterations, repairs and other castle works are arranged chronologically; therefore, to better understand how its many parts were disposed, a description of the Castle will be of interest to those who have little acquaintance with its actual character.

The original site of the Castle, at the confluence of the river Ouse and the tributary stream now called the Foss, was in Roman times an extra-mural district, or suburb, wherein the imperial garrison of Eburacum

occasionally buried their dead. In lowering the castle yard in 1835 the workmen employed in removing the soil found a large inscribed sarcophagus [1] of coarse grit; another stone coffin similarly situated was also unearthed, and many Roman remains.

Roman Coffin found in the Castle Yard.

During the early Anglo-Saxon period this spit of land was doubtless flooded on many occasions, and much silt was deposited upon it from time to time,

[1] This coffin now in the Museum of the Yorkshire Philosophical Society, is 7½ feet long by 2 feet 11 inches, and is thus pathetically inscribed in a panel:

D. M.
AVR. SVPERO. CENT
LEG. VI. QVIVIXITANIS
XXXVIII. MIIII. DXIII. AVRE
LIA. CENSORINA. CONIVNX
MEMORIAM. POSSVIT.

"To the Gods, the Manes. To Aurelius Superus, a Centurion of the Sixth Legion, who lived thirty-eight years, four months, and thirteen days, Aurelia Censorina, his wife, set up this memorial." The word *Manes* denotes the souls of the departed; "but as it is a natural tendency to consider the souls of departed friends as blessed spirits, they were called by the Romans Dii Manes, and were worshipped with divine honours" (Museum Handbook, pp. 52–53. Cf. Wellbeloved's "Eburacum," p. 110).

thus raising the level of the surface of the land. The channel of the river Ouse in past centuries was very much wider than at present, and an extensive strip of St. George's Close, below the Castle, formed part of the bed of the stream. This area, subsequently a morass, by the process of natural aided by artificial means is now high dry ground. The street level beneath the modern iron-palisaded wall on the south-west side of the Castle, which is on the site of the ditch, has been raised upwards of 6 feet within the last sixty years.

When William the Conqueror arrived he found several houses situated on this plot of land which he had chosen for his second castle at York. These he straightway demolished and appropriated the site. After the Norman fashion, a castle of earth and timber was planned and forthwith erected. His military engineers dammed up the original stream, running on the east front of the fortress, causing the water to flow around the newly thrown-up motte, or mound, with a loop carried round the west side of the Castle in a dug-out ditch. The latter was connected, immediately above the dam or weir, with a large pool,[1] originally formed by the pent-up water overflowing more than a hundred acres of low-lying land. This pool was an effectual defence on the east front for centuries.

The plan of the Castle was irregular in shape, its outline being materially affected by the disposition of the ground. At its erection the protecting earthworks were at first strengthened with timber stockades, and the tower on the motte was of wood. This timber keep was substituted by one of stone by King Henry III. in 1245–59.[2] Originally, the tower was ap-

[1] See the History of the King's Pool, and how it became obliterated, "York: the Story of its Walls, etc.," pp. 62–79.

[2] Ante p. 34.

proached from the bailey below, by an inclined timber bridge,[1] which was subsequently in part replaced by stone ; and it is recorded that the latter work was demolished in the sixteenth century. On this bridge was an erection called a *bretasche* (a wooden tower or gatehouse) from which the drawbridge, or a *turnatile*, a swing-bridge, could be worked ; and from the protected galleries of the *bretasche* its defenders could conveniently shower arrows upon an enemy who assailed their position.

The isolated keep, on the conical mound, with its circumjacent wide and deep wet ditch, was never enclosed within the walled area of the mediæval castle ; and it is invariably described in early documents as the " King's Tower," or " the Great Tower, near to " or " by the Castle of York." [2]

The wooden stockades on the earthen ramparts surrounding the Castle gave place to walls of stone during the reigns of Edward I. and his successor, and mural towers and stronger gatehouses of masonry were erected. Several drum towers of large size placed at its angles, flanked and strengthened the enceinte, adding great passive strength to the fortress. Some towers were specially located to flank and protect entrance gateways, of which there were three.

The walls were advantageously defended by this arrangement, since the exterior wall of one part could be seen and commanded from the summit of another. These towers when placed within a bowshot distance

[1] During the 1644 Siege of York a new timber bridge was erected.

[2] The tower, the mound and its ditch, together with the counterscarp were granted by James I. in 1614, to private individuals ; after the lapse of just 210 years the Committee of Gaol Sessions purchased the site and added it to the Castle area. At the same time they cut away the talus of the mound, and built the present massive and high enceinte.

The Great Gate of the Castle, 1699.

From a Wash Drawing by Francis Place. *By permission of* Mr. C. R. Swift.

enabled the defenders, themselves protected, to enfilade the intermediate curtain.

Situated at the southern extremity of the Castle was the chief and largest gatehouse, from which communication was easily obtained with the great highroads running in the direction of the Humber and the distant garrisoned castles. The south-western division of the East Riding, the wapentake of the Ouse and Derwent, bounds the city immediately without the Walmgate walls and the great gate of the Castle. During the Norman period this district, as far as Hemingborough, was a Royal forest ; and in ancient records there are many notices of the Forest of Ouse and Derwent.[1] On July 4, 1234, the area was disafforested by a decree of Henry III. Probably the chief reason why the Castle gate was placed here was its close proximity to the river Ouse, an important navigable waterway, by which the Midlands were readily approached.[2]

The gatehouse was composed of two round towers with an arched entrance between them, and was used as late as 1597. Fortunately, we are able to give an illustration of this great gate, from a rare drawing by Francis Place, presumably executed in 1699.

The tower in the foreground of the picture exhibits interesting evidences of a timber *bretasche* having been fixed around its summit. Near the top of the tower several putlog holes are indicated, wherein wooden struts were fixed to carry a gallery of timber running round the walls outside the battlements. Sometimes, on large towers, there were two tiers of these galleries, the upper projecting beyond the lower, and thus affording a very formidable defence. Such a *bretasche* concealed the top of the wall and was only

[1] See Royal Forests, " Memorials of Old Yorkshire," 1909, pp. 69–76.

[2] See " York : the Story of its Walls," pp. 61–62.

put up in times of danger or when a siege was expected; and existing examples of it are very rare indeed, although it is evident in numerous instances that it was formerly in use.[1] A similar arrangement was fixed to other towers of the Castle.

Opposite the great gate was a timber bridge crossing the fosse just above the dam. Before the year 1215, the Walmgate suburb was unenclosed by either earth-bank or wall; after this date the direct route to the Castle bridge, from extra-mural districts, was by way of Fishergate Bar, formerly the highest city gate.[2]

Some distance beyond the foot of the bridge was a bar or barrier, a stockaded defence covering the approach, and protecting the roadway to the Castle gate.[3] The exact site of this barrier is uncertain, but we find it mentioned in a record dated 1232.[4]

There was an entrance to the Castle, a postern or water-gate, through an outer bailey wall opposite the Chapel of St. George. This small gateway, about eight feet high, was only used by the garrison and others when they visited the King's mills or the chapel, and this was accomplished by passing over a

[1] Cf. Clark, "Med. Mil. Arch.," i. p. 151.

[2] Dimensions of City Gates, outer portals:

Fishergate Bar: 14 feet high, 11 feet 2 inches wide.

Micklegate Bar: 13 feet 9 inches high, 10 feet 9 inches wide.

Monk Bar: 13 feet 8 inches high, 11 feet 6 inches wide.

Walmgate Bar: 12 feet 8 inches high, 12 feet 4 inches wide.

Bootham Bar: 12 feet 5 inches high, 11 feet 6 inches wide.

[3] The gateway was walled up between the years 1597 and 1650. Drake in his "Eboracum," p. 286, mentions the bridge thus: "The larger of these lead to the great gate from the country, the piles and foundations of which I saw lately dug up." The modern street of Fishergate is a comparatively new thoroughfare; anciently the street running direct to Fishergate Bar was called Fishergate, to-day it is known as the Cattle Market.

[4] Charter Rolls, 16 Henry III. m. 14.

The Watergate and Towers, 1805.

From an Etching by JOSEPH HALFPENNY.

wooden bridge across the wet ditch immediately in front of the postern. When the bridge was in disrepair a boat was sometimes used at this point.

Between this doorway and the great gate a flanker,[1] or outwork, was carried from the angle of the inner bailey wall down the rampart and ended in a drum tower.

From the water-gate, on the south-west front of the Castle, a curtain wall, running towards the ditch encompassing the motte, was evidently in existence in 1400, thus forming a small outer ward or bailey. This second wall was on ground considerably lower than the inner wall, and commanded from it ; and the mural towers were perhaps mere bastions not rising above the curtains.

From the city the Castle at its north angle was entered by a smaller gate[2] facing the end of Castlegate, described in 1597 as the " lower or lesser gate." This gateway had a drawbridge crossing the fosse in front.

Stockades were universally used, and the counterscarps of all the ditches were protected in this manner ; and as occasion required the decayed stockades were renewed. Such timber defences are frequently mentioned ; in fact, this mode of protection was used at some castles as late as the 1644 Civil War.

Within the Castle were several timber and plaster houses used for various purposes, such as the Court of

[1] The greater part of this flanker was destroyed by Robert Redhead, a gaoler in the sixteenth century ; but the watergate and substructure of the tower remained until 1805. See illustration.

[2] " This has been a year ago rebuilt in a handsome manner, and is at present the only entrance to the Castle ; except I mention a small postern (watergate) near the milns " (Drake, " Eboracum," 1736, p. 286). The site of the gate was included in the enlarged area of the Castle in 1824–36, and was at this date taken down.

Exchequer, the King's Bench, the Royal Mint, and occasional lodgings for royal visitors. There was also a building called the King's Hall, and a gaol house which may have been of masonry. The exact sites of the mediæval buildings are difficult to locate as every vestige of them has been destroyed.

CHAPTER VI

EARLY ASSIZE AND PRISON RECORDS, PUNISHMENTS, ETC.

Introductory—Early gaol, 1205–07—King John's expedition to Ireland, 1210—Irons for Irish prisoners at York—Henry III. repairs the gaol—Iron collars and chains for prisoners—Payment of Gaolers, 1225–61—Assizes and St. Mary's Abbey, 1257—Rescue of prisoner and porter of Castle imprisoned, 1274—Prisoners on going in pay for hangman's rope—Parson of Cave and another trespass in Foss, 1291—Rees Amereduk drawn and hanged, 1292—Contempt of court by Bishop of Durham's bailiff, 1292—Condemned man escapes to sanctuary—Infraction of sanctuaries—Prisoner led back to Escrick church, 1309—Rebellion in Wales, hostages retained at York and elsewhere, 1294—Multitudes die in the Castle of hunger, 1295—Pardon to sheriffs for escape of prisoners, 1298—Hue and Cry, malefactors peremptorily beheaded—Earl of Strathern and household in the Castle, 1307.

THE Castle of York has been used as a county prison from very early times. All down the centuries its noisome dungeons and cold, dark cells have been crowded with unfortunate prisoners from every grade of society. Its silent, disused yards and high-walled courts have still a dreary aspect, but they help the imagination very little to realize the enormous amount of long-drawn-out misery and wretchedness borne in the past by thousands of poor manacled prisoners.

In former times none but those with "iron" constitutions survived the severities of such confinement.

Within the grim and austere walls starvation, pestilence and brutal official treatment shortened the lives of innumerable forsaken and cast-off captives. Even as late as the eighteenth century men and women were herded together indiscriminately in what was nothing but a den of iniquity and horror.

Many of the imprisoned were prominent characters, who figured largely in local affairs, and some were intimately bound up with the history of England itself. Prisoners of war, brought from Ireland during the early campaigns of conquest ; hostages from Wales ; and lords, lairds and pledges from Scotland ; have at times been incarcerated in the Castle at the pleasure of English kings.

In addition to the countless train of criminals deservedly immured, many notable and noble men have been maliciously confined in its dungeons for political causes, and for offences and omissions peculiar to oldtime ecclesiastical law. The romance and tragedy of not a few of these offenders have an attraction for readers who care to know of the daily doings, customs, and obsolete punishments of former generations.

Although the State Papers teem with recorded facts, it is almost impossible to come to a correct judgment about the events of the past, and the motives of the actors in the old days, however impartially the attempt may be made.

Criminal history was very popular a century ago, and numerous calendars of gruesome deeds and executions were published, merely to gratify the morbid tastes of the public. As the Criminal Chronology of York Castle has thus already appeared in print, and for other obvious reasons, only a very few cases of this character are included in the present volume. The chronicles which allude to domestic, religious and constitutional history are of more im-

portance in giving us a just estimation of the life and habits of our forefathers.

During the Norman period and until the timber protecting defences of the Castle at York had been replaced by masonry, the only stone erection would be the great gate. It was in the chambers and towers of this gatehouse that prisoners were first lodged, and the authorities of other fortified cities and towns utilized their gatehouses or bars in a similar way. As the Castle became less and less requisite for military purposes an additional gaol would be built in the courtyard.

Some of the first notices referring to the gaol of the Castle and its prisoners are recorded on the unpublished Pipe Rolls of King John's reign. In 1205 the sum of £2 12*s.* 3*d.* was expended in repairing the "gaiole," and a similar amount was charged in 1207.

King John followed his father's project of attempting to subjugate Ireland, and an expedition set sail from England at the beginning of June 1210. At the termination of a successful campaign, about the end of the following August, the King received the homage and submission of twenty Irish chieftains. On his return he brought a batch of Irishmen, presumably hostages, to England. Several were immured at York, and an amount for repairs at the Castle incidentally mentions a payment for "the irons of the prisoners from Ireland."

The Rolls of Henry III., commencing with the third year of his reign, have numerous entries of occasional expenses incurred in the upkeep of the gaol, early payment of gaolers, and the making and repair of iron collars and fetters worn by prisoners. The undermentioned extracts speak for themselves; and the accompanying illustration of prisoners, portrayed in one of the rare mediæval stained-glass windows of All Saints' Church, North Street, York, shows very distinctly how the iron collars and fetters were worn.

Two or more prisoners were chained together by their feet, hands and necks. The iron rings or collars doubtless had a joint or hinge to allow of their being opened and closed when affixed.

These early references remind us that during the sixteenth century, and later, iron collars or jougs were frequently used in the north of England and Scotland, a mode of punishment fully described in Mr. W. Andrews' "Bygone Punishments."

3 Henry III. "And in the work of the Gaol 10 marcs" (£6 13*s.* 4*d.*).

5 Henry III. "And in the work of the Gaol 20 shillings."

9 Henry III. "And for the irons of prisoners, and in the repair of the gaol of York £1 0*s.* 6*d.* And for one chain for hanging Robert de Wereby, 2 shillings."

10 Henry III. "And in expenses of two gaolers for the keeping of the gaol of York from the Feast of St. Edmund 9th King Henry for one whole year 60 shillings, and in the cost which the same Eustace [1] incurred in the keeping of the said Gaol of York for half the 10th year of the King 15 shillings."

11 Henry III. "And in the payments of two gaolers of the gaol of York each of whom has 1*d.* per day for 20 weeks of the 10th year and of this whole year £4 4*s.* 4*d.*"

12 Henry III. "And in the payment of two men keeping the gaol of York £3 0*s.* 10*d.*"

13 Henry III. "And in the payment of two men keeping the gaol of York £3 0*s.* 5*d.*, and in repair of the gaol 7*s.* 6*d.*"

14 Henry III. "And in the payment of two men keeping the gaol of York £3 0*s.* 10*d.*" . . . "and in the repair of the gaol £4 8*s.*"

[1] Eustace de Ludham, sheriff of Yorkshire.

Fifteenth-Century Prisoners in the Stocks.

From a Drawing by the author of a panel in the "Six Works of Mercy" window, All Saints' Church, North Street, York.

The stipend of the gaolers is continued each year, with one or two exceptions, until the forty-fifth year of King Henry's reign. In 1248 the charge for repairs to the gaol was £14 2*s*., and eleven iron collars cost 11*s*. in 1250. Henry visited York in the years 1221, 1229, 1230, 1237, 1244, and 1252 and it would appear the gaol was overhauled at the King's request.

The Crown had some jurisdiction over the gaol of St. Mary's Abbey, and previous to the erection of suitable buildings in the Castle bailey for holding assizes, the justices held their court in the abbey. In a charter dated February 11, 1257, granted to Thomas de Waterville, the Abbot of St. Mary's, "the King's justices when they come to York for all pleas or for pleas of the forest, shall not hold their pleas in the said abbey save at the good will of the abbot and monks, but only the pleas of the liberty of the said abbey shall be held there as of old." [1]

Prisoners when in custody and being taken to gaol were frequently rescued by sympathizing friends, and we learn that a commission dated September 14, 1274, was issued to John Bek and Nicholas de Stapleton, to make inquisition by jury of the city as to who the persons were who attacked the bailiffs of York Castle while they were taking a prisoner, charged with larceny, thereto, and rescued him and imprisoned the porter of the Castle.

From time immemorial to the accession of Queen Victoria, little regard was paid to human life; and death at the hands of the hangman was treated with indifference. For very slight offences, which we to-day should regard with small concern, the penalty was capital punishment.

Edward I., who was styled "the English Justinian," did much by his influence to codify the laws of the realm, and finding that each county or district had its

[1] Cal. Charter Rolls, 1226–57, p. 461.

own local customs—even to the apparently simple matter of finding a hangman's rope—he had these put on record for future observance. In one of the King's precedent books, we find it stated that "whoever is imprisoned at York shall, on going in, pay a penny for a cord, although he may be a true man; and so, if he be found guilty the gaoler shall find for him a rope, and if he be set free he loses his penny."[1]

We find two persons incarcerated in the Castle in 1291 for trespassing, or poaching, in the Fishpond of Fosse, which at this period was an important royal fishery.[2] The sheriff was ordered by Edward I., on October 26, to deliver "Richard le Keu, imprisoned for a trespass in the King's Fishpond of Fosse, wherewith he is charged, in bail to mainpernors who shall undertake to have him before the justices whom the King shall appoint to hear and determine this trespass."

On December 28 the sheriff received a similar mandate to "deliver Gilbert de Meus, parson of the church of Cave," who was accused of a like offence.

A Welsh prisoner of some importance named Rees Amereduk, by the "special" order of the King, was tried at the March gaol delivery in 1292, "before Peter de Campania, John de Lythegreynes, John de Melsa, and William de Sancto Quintino, justices appointed for this purpose. Which Rees was there brought before the justices, and convicted of seduction made to the King, homicides, arsons, robberies and larcenies against the King's peace, and of demolishing the King's castles. It was adjudged that he shall be drawn for the seduction and shall be hanged for the

[1] Year Book, 20 and 21, Edward I. p. xvii.

[2] For a full account of the Fishpond, see "York: the Story of its Walls, etc.," pp. 62–79.

homicides, arsons, robberies and larcenies and demolition of castles." [1]

A complicated case of contempt of court, which illustrates some customs of the period, occurred in 1292. Alan de Ellerbek, a resident of the Bishop of Durham's liberty of Northallerton, who was tried at a York gaol delivery before Peter de Campania and his fellow justices, was adjudged to be hanged.

The condemned man was handed over to the bishop's bailiff at Northallerton, whose duty it was to carry out the sentence. The bailiff, who probably had been bribed, or was an intimate friend of his prisoner, disregarded the orders of the court and allowed Ellerbek to escape. The malefactor fled, and sought sanctuary in a church, where it was deemed an act of sacrilege or wickedness to re-arrest a man who had taken refuge.

To uphold the dignity of the King's justices whose judgment had thus been despised, the liberty of Northallerton was taken into the King's hands, but subsequently was replevied to the Bishop, Anthony Bek.[2]

The bailiff was arrested and delivered on mainprise to answer, when required, for his conduct in not obeying the orders of the court. Alan, the unhanged malefactor, was safely kept by four townships of the liberty, as was the custom in like cases, until the question should be heard before Parliament, so that there should be done what the King ordained by his council in the matter.

The infraction or violation of sanctuaries was looked upon with horror by most people, and discountenanced by the Crown, ecclesiastics, and the legal profession, as is evidenced by the following case which came before the justices at York.

Nicholas de Schupton, who was in gaol for larceny,

[1] Cal. Close Rolls, 1288–96, p. 267.
[2] Cal. Close Rolls, 1288–96, p. 278.

no doubt fearing execution, fled to the church of Escrick near York and there found sanctuary. Certain of his enemies clandestinely entered the sacred edifice, dragged him forth and led him back to the Castle, where he was kept in durance vile.

Schupton, being aware of the King's respect for sanctuaries, to many of which he granted special privileges, appealed to his majesty, stating how he had been re-arrested and the sanctuary violated. His petition was favourably received, and Edward II. issued a mandate October 25, 1309, to John de Insula and John de Donecastre, justices assigned to deliver the gaol of York Castle, to " deliver Schupton from the said gaol, and to cause him to be led back to the church of Escrick " if they found that his statements were true.

In 1294, twelve years after the conquest of Wales and the fall of the last native Prince, Madoc ap Meredith, a connexion of the brave Llewellyns', made a spirited attempt to rouse the Welsh. It proved unsuccessful, but it was so serious that Edward I. abandoned an expedition to France, and hurried to Conway. The King's Castle at Carnarvon, which was not completed, fell into the hands of the insurgents and the town was burned.

Edward remained in Wales six months, during which he quelled the revolt, and received in custody upwards of three hundred Welshmen from divers parts of Wales as hostages. These pledges were retained in various royal castles up and down England. Seventy-five were brought under safe conduct to the North, and delivered to the sheriff of Yorkshire, under an indenture containing the names of the hostages.

York on this occasion was the distributing centre, and the sheriff under date August 18, 1295, was ordered to receive from the sheriff of Nottinghamshire the said seventy-five hostages, and to retain ten of them in

York Castle, and to send ten hostages to Richmond Castle, ten to the castle of Skipton-in-Craven, twelve to the castle of Scarborough, twelve to Carlisle, twenty-one to Newcastle-on-Tyne, and to deliver them to the constables of the respective castles for custody. He was also requested to cause each of the hostages confined in York Castle, and each of those delivered to the constables of other castles to have 4*d*. a day for sustenance.

The number of persons who have died in the gaol is positively appalling, and no words can describe the horrors and iniquitous treatment meted out to poor helpless prisoners. Although they were sometimes allowed a stated sum to purchase food and other necessaries of life, these could only be obtained through the gaolers, who supplied the meanest fare at the most exorbitant prices. If any complained they were mercilessly placed in heavier irons and silenced in dark dungeons.

When the country was in a state of anarchy, or its rulers were occupied with troublesome wars, the assizes or gaol deliveries were temporarily discontinued, and the county gaols of the land became overcrowded. The following extract, which only alludes to York, gives us a slight idea of how the "delays of the law" proved so fatal to many poor prisoners at York.

"June 8, 1295. Commission to William de Ormsby and Roger de Burton to deliver York gaol of all prisoners, as it appears that when the King, by reason of the disturbance by the Welsh, superseded the holding of further pleas by the justices in eyre in the county of York until further order, many persons indicted on that eyre were by judgment of the justices put in exigent, and upon the rumour thereof surrendered to York gaol, where a great multitude died of hunger, and the residue in custody there remain in danger of death."[1]

[1] Cal. Pat. Rolls, 1292–1301, p. 161.

Primarily the high sheriffs of the county were responsible for the safe custody of prisoners in the Castle, and the resident gaolers were the sheriffs' deputies. To permit the escape of prisoners by neglect, or collusion was regarded by the Crown as a serious offence. In 1298, twenty-six prisoners escaped from the Castle, and John de Byroum, the sheriff, sought the King's pardon, which was obtained because " of his many cares and occupations at that time, and his diligent pursuit of the fugitives." [1]

The gaol must have been overcrowded, or very insecure, as escapes were of frequent occurrence. On May 10, 1304, the King pardoned Simon de Kyme, the sheriff, " for the escape from York gaol, while under his custody, of Robert de Cottingwyth, John le Furbisour, Alexander Heroun, Henry Fairhert, William de Saxton and William le Flecchcr, of York, who were in custody there for trespasses in the realm, and of William de Vispont, of Scotland, taken prisoner at the fight at Dunbar, as the said Simon did his best to pursue them and caused some to be beheaded and others to be brought back to gaol, and as it appears that they escaped by the machination and assent of Gilbert de Milford, deputed by the sheriff to the custody of that gaol, and not by the negligence of the sheriff." [2]

As soon as it was discovered that any prisoners had fled they were pursued, and the customary Hue and Cry was raised—a pursuit accompanied with loud outcries, or clamour, to give alarm. If the malefactor was captured, he was at once beheaded, according to lawful custom, without any formal trial, and the person responsible for the act received the King's pardon in the following manner—

" July 24, 1324. Pardon to Alan de Charleton for

[1] Cal. Pat. Rolls, 1292–1301, p. 364.
[2] Ibid., 1301–07, p. 224.

the death of John de Castello, a rebel, who was in custody in the prison of the marshalsea at York, and broke prison, whereupon the King commanded the said Alan to pursue him and take him alive or dead, and the said Alan, in execution of the King's mandate, caused him to be beheaded at Kyngeslane, co. Hereford, whither he had fled." [1]

[1] Cal. Pat. Rolls, 1324–27, p. 13.

CHAPTER VII

EARLY ASSIZE AND PRISON RECORDS, PUNISHMENTS, ETC. (*continued*)

Rise and fall of the Knights Templar—Inquisitions at York—Templars imprisoned—Langton, Bishop of Lichfield, in prison—Courts of Exchequer and King's Bench held in the Castle—Domesday Book and other documents brought to York—Houses in Castle repaired for Court of Exchequer, etc.—Prisoners pardoned by Edward II.—John del Castel, prisoner, taken before the King at Pickering—Orders to keep rebels safe—Earl of Moray immured, 1339–40—Ears of malefactors cut off—Notification for John le Quyltemaker—William Holgate, gaoler, charged with extorting money and allowing prisoners to escape, 1388—Gift of bread to prisoners by Master of the Hospital of St. Leonard.

THE famous order of Knights of the Temple, a society of ardent and zealous warriors who protected pilgrims to the Holy Land, and guarded the reputed tomb of Christ, was dissolved early in the fourteenth century. Members of the order, from various preceptories in the North of England and the Midlands, were imprisoned at York, and tortured prior to their examination before inquisitors for alleged blasphemy and licentiousness.

The order, which was formally established in 1128, rapidly increased in popularity and wealth. The chivalrous daring and heroism of knights in the field had a fascinating charm which appealed to the spirit

of the times. At the close of the thirteenth century the Moslems were everywhere victorious, and all hope of regaining possession of Jerusalem was abandoned by the Christians, and the Red Cross Knights flocked homewards and settled upon their estates, which had been given to the order in bygone years. The enthusiasm for the rescue of holy places in Palestine had abated, and avaricious monarchs yearned to possess the lands and wealth the Templars had amassed.

Philip of France, encouraged by the Pope, suppressed the order in his domains and tortured the knights, many of whom were burnt at the stake for alleged blasphemy. In the autumn of 1307 various attempts were made by foreign potentates to prevail upon Edward II. to enter into a league against the Templars resident in England. At first the King discredited the iniquitous allegations against the order, but he was not able to withstand the importunities of those who desired its downfall. In a secret manner Edward issued the following writ to the sheriff of Yorkshire, and all the sheriffs of England received a similar mandate.

"December 20, 1307. To the Sheriff of Yorkshire. Order to attach, on Wednesday next after the feast of the Epiphany next, in the morning, all the brethren of the order of the Temple in his bailiwick, by their bodies and goods, and to form an inventory of all their goods, muniments, etc., in the presence of the keeper of that place, to wit a brother of the said order. He is to cause their bodies to be guarded elsewhere than in their own places, but not to place them in hard and vile prison, and to find them sustenance. He is to certify the Treasurer and Barons of the Exchequer of what he has done herein, the names of the brothers arrested, and of their lands, etc."

The knights were surprised and put under arrest and their property and lands sequestered by the King's

officers. Their farms were cared for and cultivated until they could be disposed of.

The Pope, Clement V., was eager for their punishment, and we gather how they fared at York. On September 14, 1309, the constable of York Castle was requested " to receive from Henry de Percy the Templars in his custody, and also from the sheriffs of Northumberland, Cumberland, Westmoreland, Lancaster, Nottingham and York, whom the King has ordered to lead all the Templars in their custody and in their bailiwicks to York, there to deliver them to the said constable, who is to produce them before the inquisitors appointed by the Pope to inquire concerning the said order." [1]

The knights under arrest in the Midlands were also brought to York at the same time. It was many months before an official inquiry could be arranged to adjudicate on the alleged crimes imputed to the knights, as Greenfield, Archbishop of York, disliked the whole proceedings. Several bulls were issued by the Pope and much correspondence ensued. During the delay the Templars were detained in the Castle, where " they had to be kept guarded and not allowed to wander about in contempt of the King's orders."

A provincial Council was summoned to meet at York, on May 20, 1310, and most of the chief ecclesiastics of the North were present. Nothing, however, was done, as the examination of the knights was unsatisfactory ; many of the charges against them were mere hearsay, and the meeting, therefore, was adjourned. The Pope still being dissatisfied that torture had not been used to obtain confessions of their guilt, the King reluctantly ordered the application of the rack, provided it did not extend to the shedding of blood or mutilation of the body. Every

[1] Cal. Close Rolls, 1307–13, p. 175.

attempt was made to secure fresh evidence or compulsory confession.

The Council sat again on July 1, in the Cathedral Chapter House, before which the twenty-four Templars appeared; great disputation and altercation necessitated a further adjournment of the tribunal. Nothing definite was decided, and after about twelve sittings of the inquisitors, the sheriff was ordered, August 18, 1311, "to deliver all the Templars in his custody at York (Castle) to the King's clerk, Master de Pykering, vicar-general of the Archbishop of York, absent abroad, or to the deputy of the said vicar-general, to ordain concerning them according to ecclesiastical law."

Yorkshire Knights Templar imprisoned

William de Grafton, senior, preceptor of Ribstan, Ralph de Roston, Thomas de Stannford, Henry de Kereby, Thomas de Bellerby, of Penhil, Robert de Langton, William de la Fenne, preceptor of Faxflete, Richard de Kesewyk, Stephen de Radenhalgh, priest of Westerdale, Michael de Sowreby, priest of Sorenty (?), in the diocese of Durham, Godfrey de Arches, preceptor of Newsham, John de Walpole, Ivo de Etton, Henry de Craven, Roger de Hugyndon, Henry de Rouclyf, Galfrid de Wylton, Walter de Gaddesby, Richard de Ripon, Thomas de Thresk, Richard (or Roger) de Shefeld, John de Ebreston, William de Midelton and Walter de Clifton.

None of the Templars were put to death as in other countries, but it was ordained that each of them—after having been imprisoned at York for two years—should be sent to a monastery in the province of York to do penance for his errors. Due provision was made for their maintenance, and a pension of fourpence

a day each was allowed them by the King out of their sequestered estates.

Before a year had expired the Archbishop had released most of them from the sentence of excommunication. The order was finally dissolved throughout the Continent and in England, April 1312. The records of the Exchequer contain numerous documents relating to the property of the Templars in this county, specimen copies of the inventories of their stock and furniture appeared in the *Gentleman's Magazine* for 1857, p. 519.

The Crown appropriated the Castle mills and the adjoining Chapel of St. George, which the Templars had held for many years, and an indenture of the contents of the mills, etc., was made.[1]

By a strange irony of Fate, Walter Langton, Bishop of Lichfield and Coventry, Treasurer of England, and Master of the Hospital of St. Leonard, York, was a prison companion of the Templars. If he had not been under restraint, he very probably would have sat with his brother ecclesiastics of York on the Council that judged the knights.

Langton held distinguished offices in the State, and on July 2, 1306, he and Greenfield, Archbishop of York, were appointed by Edward I. guardians of the realm. He with other wise ministers brought about the banishment of Piers Gaveston, the profligate friend and companion of the Prince of Wales, for his share in the intrigues which had estranged the King from his son.

His royal master died at Burgh-on-Sands July 7, 1307, and one of the first acts of Edward II. after his accession to power was to recall Gaveston, and imprison

[1] For a full account of the Templars of Yorkshire, see Kenrick's "Archæological Papers," pp. 1 68, "Fasti Eboracenses," pp. 369-76, and *The Yorkshire Topographical Journal*, vol. x, pp. 349, etc,

Langton for having been the means of driving his favourite into exile. The King in a revengeful and cruel manner caused the prelate to be arrested whilst he was faithfully conveying the body of his late sovereign towards Westminster.

The Bishop was in the Castle when John de Gras was appointed sheriff of Yorkshire, July 3, 1308, who received a writ from Edward II. to detain him in custody. The unfortunate and unjust position of Langton appealed to the sympathies of the Bishops and members of the Provincial Council at York, and they, as well as the Pope, in 1311 wrote to the King entreating his majesty out of respect to his episcopal office to permit the Bishop's release. He was subsequently removed to the Archbishop's prison and eventually restored to favour. The following year Gaveston was excommunicated, Parliament demanded his dismissal, and he ended his life on the scaffold.

The Scots, emboldened by their success at Bannockburn, continued to raid and plunder the northern counties, and the efforts of Edward II. to repress them were futile. In the attempt to make a determined resistance by the formation of a strong army, the King at this period resided at York, whilst moving about from place to place in the county. The business of the State was transacted at York, and for the convenience of the King and his councillors the Court of Exchequer and the Court of King's Bench were removed here also.

These high courts were held in the Castle, in timbered buildings not unlike the mediæval gabled dwelling-houses still to be seen in some of the older streets of the city. From time to time the houses in the Castle bailey appropriated for the courts required renovation and repairs, and on May 30, 1319, the High Sheriff was ordered " to cause the houses within York Castle and other houses to be repaired by the advice of John,

Bishop of Winchester, the treasurer, and of Walter de Norwyco, a baron of the Exchequer, for the Exchequer and the receipt of the same, and for holding pleas of the Bench there, and for holding the King's Bench for pleas before the King, as the King has ordered that the Exchequer and the Bench for Common Pleas shall be transferred to York by Michaelmas." [1]

The Treasurer and Barons of the Exchequer were also authorized by the King and his Council " to cause the Exchequer to be transferred to York, together with the rolls, tallies, memoranda and other things touching it, and the rolls of the Bench of such years as they shall deem fit, and to determine there all pleas touching the Exchequer to the morrow of Michaelmas, when the King wills that the Exchequer shall be held at York, and afterwards according to the exigence of the pleas and their discretion." [2]

On this occasion the Domesday Book (which was often referred to in law cases before the court), the Patent and Close Rolls, and the Rolls of the Exchequer, were brought from Westminster to York. As the mode of transit in these old days was so unlike present-day methods this must be our excuse for giving a few notes on how the law books and documents were conveyed to York.

The Chief Justice of the Bench was responsible in person, or by deputy, for the safe carriage of the rolls, tallies, etc., and he was authorized to have them securely packed in barrels. These were placed in broad-wheeled wagons drawn by four or six horses. The sheriffs of each county through which the convoy passed was answerable for the safe transit through their respective bailiwicks, and they had to meet the wagons as they arrived at appointed places on their county boundary. The sheriffs attended, or their

[1] Cal. Close Rolls, 1318–23, p. 76.
[2] Ibid.

deputies, accompanied with a sufficient number of men-at-arms as escort to prevent robbery.

The Chief Justice and each sheriff as the cavalcade passed along the North Road had to certify the sheriffs in advance, of their daily journeys and of the towns through which they purposed passing, so that these officials and their retinue could promptly meet them at the stated times and places appointed. As the valuable documents were transferred from the care of one person to another, a signed indenture was made and recorded.

It took many days to complete the journey, as the unpaved and unkept highways on the best lines of communication in many districts passed through unenclosed heath and fen. The ruts were deep, and in wet weather the roads were almost impassable. The rivers frequently overflowed and inundated the country around. Travellers were delayed and sometimes drowned in their attempts to pass forward. The highways of England were never properly attended to until the latter half of the seventeenth century.

In February 1322, the sheriff had to "cause the houses within the Castle of York last assigned for holding the Exchequer and the Bench for Common Pleas to be repaired before Easter next, as the King has ordained that the Exchequer shall be held at York on the morrow of the close of Easter and the Bench in the quinzaine of Easter, the King being about to set out for the North to repress the invasion of the Scots. The sheriff is to cause proclamation to be made that the King wills that the places aforesaid shall be at York at the said times, and that all merchants and others wishing to sell victuals and other things may come to the said city in safety with their said goods to receive their due payment for the same. By the King." [1]

[1] Cal. Close Rolls, 1318–23, p. 417.

The Exchequer Rolls and other documents were returned to Westminster at the end of June 1323, and the King's chamberlain was requested to deposit the King's treasure at York in the same convoy and have it safely removed to Westminster.

On the Patent Rolls of the fourteenth century are recorded hundreds of pardons, granted to persons who had been charged before the justices of assize at the Castle with the death of their fellow countrymen. The verdict in each case was that the deed had been done in self-defence. The following is a typical case:

"May 28, 1322. Pardon to Richard son of Nicholas Bret of Fulford, a prisoner in the King's gaol within the liberty of Bouthum, belonging to the abbot of St. Mary's, York, charged with the death of John de Dyghton of Bonnewyk, as it appears by the record of John de Donecastre and his fellows, justices appointed to deliver that gaol, that he killed him in self defence. By the King."

In the autumn of 1323 Edward II. paid a visit to Pickering Castle, staying from August 7 to the 22nd. During his sojourn there we gather from his orders, which were recorded with much minuteness, that he was anxious to have a special prisoner brought before him.

"August 12, 1323. Safe-conduct for eight days for John de Enefeld, John de Leycestre, Edmund Provost, Simon de Friskenade and Pouncettus de Monte Martini, King's serjeants, appointed to bring John del Castel, a prisoner in the prison of the King's marshalsea at York, to the King at Pikeryng, and if he has escaped to bring the person in whose custody he was."

The disastrous reign of Edward II. was fast drawing to its close when, in 1326, he issued writs to most of his sheriffs to strictly guard his rebellious subjects whom they had under arrest. On February 13, the Treasurer and Barons of the Exchequer were ordered

to cause the defaults in York Castle to be surveyed by some one in whom they could confide, and to cause the defects to be repaired, unless great cost was required, in which case they were requested to certify the King with all speed.

An urgent writ was issued May 20 to the constable of York Castle, or to him who supplied his place. He was ordered " to cause all prisoners, enemies and rebels of the King, imprisoned in the Castle in the constable's custody, to be kept safely and securely so that they may not escape from prison, or peril of escape may not arise, under penalty of his life and limb and of forfeiture of his goods and chattels at the King's pleasure, as certain of the King's enemies and rebels have escaped from divers prisons wherein they were confined by the King's orders."

A Scottish noble, John Randolf, Earl of Moray, who was incarcerated at Nottingham Castle, in October 1339 was led to the borders of that shire and delivered into the custody of the sheriff of Yorkshire, who brought him a prisoner to York. The Earl was immured in the Castle until his release, August 9, 1340. The constable was allowed forty shillings a week for the sustenance of his charge during the period of his imprisonment.

The mutilation of the body as a legal punishment of offenders of the labouring class was very common in the Middle Ages. Many poor creatures whose hands, feet, tongues or ears had been cut off for petty crimes, were allowed to wander about as a warning to their fellows of like humble birth. Eyes were plucked out, the upper lip cut off, the nose was frequently slit and other revolting punishments were inflicted.

Even as late as the reign of Henry VIII. the penalty paid for not attending church was to have one's ears cut off. During the same period, if any one struck

a person in the King's house, or court, he suffered the loss of his right hand.

If any of the royal servants, or fighting men, lost an ear during wartime they received a patent or notification which they could exhibit to any one who accused them of having lost their ears for some offence. One such notification was granted to John le Quyltemaker of York, August 20, 1327, who had his right ear cut off by the Scots at Stanhope when he was in the King's service, "so that he suffer no sinister suspicion thereby."

The gaolers of the Castle were frequently accused of abetting the escape of prisoners. Illegally extorting money appears to have also been commonly practised, and the government had great difficulty in checking such abuses or bringing the unscrupulous gaolers to justice. A commission was issued October 18, 1388, to " John Sayvylle, sheriff of Yorkshire, William de Aldeburgh, Thomas Graa of York, Robert Savage of York, and Thomas Holm of York, to enquire and certify whether William Holgate, to whom the King lately granted the custody of the gaol within York Castle, voluntarily permitted divers felons therein to escape, and compelled other prisoners by duress and divers penalties to become approvers and to appeal lieges of the King of felony, whom he caused to be taken and detained in the said gaol, he extorting sums of money from them and withdrawing alms given for their maintenance."

A second commission sat in November of the same year which had to inquire and certify the names of the prisoners whom William Holgate allowed to escape and of those who turned approvers.

The ill-fed and starving prisoners in the Castle were often relieved by the alms of charitable persons ; but the gaolers withheld these gifts from the poor and friendless, who were heartlessly stowed away in durance vile. The master and brothers of the Hospital

of St. Leonard,[1] York (at this period one of the largest secular institutions of its kind in the North of England), in a beneficent manner supplied each prisoner in the Castle with a loaf of bread every Sunday. On one occasion there were 310 recipients in gaol.

[1] St. Leonard was the patron saint of prisoners and slaves.

CHAPTER VIII

CASTLE-GUARD AND SERJEANTY

Military service of Castle-guard—Domesday references—The Scolland family and Richmond Castle—Castle-guard at Skipsea and Newcastle—Lands in Givendale held by military tenure—Examples of Castle-guard services at York Castle—Burdensome incidents of tenures abolished.

IN feudal times many lands were held by the ancient tenure of military service or grand serjeanty, which often took the form of guarding or keeping in repair some specified part of a castle, frequently a tower, or the gate-house. The custom of castle-guard is unknown to Anglo-Saxon laws, as there were no castles in England until the Normans introduced them. We find the tenure mentioned in Domesday Book, for there it is recorded that Ralph Passaquam held Drayton (Bucks) "and found two mailed soldiers (*loricatos*) for the guard of Windsor."

Odo Balistarius is also mentioned in the Great Survey as a tenant in capite of fourteen manors in Yorkshire, and eleven in Lincolnshire. It is doubtful what were the definite services Odo rendered to the King; he may have been captain or the chief officer of a company of arbalisters, or had charge of the stone and missile-discharging engines used in the defence of York Castle. The Scolland family were bound to maintain and guard the hall of Richmond Castle, and the apartment to this day bears their name. Ancient records frequently specify the precise part in a castle

which tenants were to defend, and some towers we find were named after the knightly families responsible for their defence.

Stephen de Oustwyke, or Hostwyke, assigned to John Uthtride a messuage and nine bovates of land with appurtenances in Holderness, and besides other services, he rendered " to the King yearly at the feast of St. Michael, for castle-guard at Skipsea 12*d.*" [1]

The barony of Bywell in Northumberland was held by the service of five knights, together with castle-guard of thirty knights at Newcastle.[2]

Before the commutation of services for money payments, the kings and the great landowners of the early feudal period derived no money from rents; rents were only paid in services. In 1176 a State Council was held at Northampton, and it was decided amongst other things that the edicts which the justiciars were to especially enforce were those relating to castles. Strict inquiries were to be made into the tenure of castle-guard and how far its duties were discharged.

At Givendale, near Pocklington, about twenty miles from York, lands and tenements were held of the Crown by military tenure, requiring the provision of arbalisters or crossbow-men to assist in the safe-guarding of the Castle of York for the King during times of war.

In *Testa de Nevil* are recorded several tenures of castle-guard of about the years 1212–17.

Robert de Geveldale and Thomas de Geveldale did service for lands in Givendale " *per balistariam ad castellum Eboraci.*"

Ralph son of Bernard, of Hotone (Hutton-on-Derwent), held lands by serjeanty of guarding the " *portariam Castri Eboraci.*"

[1] " Yorks. Inquisitions," Y.A. Socty. Record Series, vol. iii. p. 37.

[2] " Feudal England," J. H. Round, p. 296.

Robert Balistarius held four carucates of land in Givendale "*per serjanteriam unius balistæ ad castrum Eboraci.*"

Thomas de Walingeham held four carucates and John le Poer held five carucates for a similar service.

In 1227 various parcels of land in Colsueynhoton (Hutton-on-Derwent), amounting in all to seven bovates twenty acres three roods and a half, were granted [1] to the prior and convent of Malton, all which lands Alan de Hoton held of the King in chief by the serjeanty of keeping the gate of the Castle of York.

An inquisition *post mortem* made in 1256 mentions that William the Arblaster, held in the two towns which are called Gyveldale (Givendale) four carucates of land, worth by the year 100*s.*, by the service of a cross-bow-man and doing ward at York Castle in time of war for forty days at his own wages, if longer at the cost of the King, and to conduct the King's Treasure through the county at the King's charges.

In 1261 an inquisition was made in full County Court before the Sheriffs and Keepers of the Pleas of the Crown as to who was the next heir to hold the serjeanty of the Castle Gate of York Castle, and how much that serjeanty ought to yield yearly by the new fine of serjeanties. The jury decided that "John son of Elienor, is next heir by reason of a certain ancestor of his named Coleswayn, who had that serjeanty by gift of a King of England from time immemorial. The serjeanty ought to yield by the year eleven marcs 2*s.* 5*d.* The custody of the gate aforesaid is worth yearly one marc. The serjeanty aforesaid was taken into the King's hand by his own will, like all other serjeanties of England, and for no other cause." [2]

John de Crippelinges, aged 28, son and heir of Robert de Creppinges in 1280 held lands in Yapham,

[1] Charter Rolls, p. 19.

[2] "Yorks. Inquisitions," vol. i. p. 87.

Barneby and Wappelington, by the service of archery, to be done at the gate of York Castle in time of war by one man. The said lands and rent he held in chief of Robert le Chaumberleyne.[1]

The feudal inquests of the thirteenth and fourteenth centuries merely regard the service of castle-guard as an obligation to pay so much money at such and such terms. For many other details, particulars, inquisitions and escheats, bearing upon the subject see Kirby's "Inquest," "Yorkshire Inquisitions," Record Series, *Yorkshire Archæological Journal*, Testa de Nevil, and the Red Book of the Exchequer, Record Office Publications. The tenure of grand serjeanty still exists so far as relates to merely honorary services, but the burdensome incidents were abolished by statute in the reign of Charles II.

[1] "Yorks. Inquisitions," vol. i. p. 207.

CHAPTER IX

THE CASTLE MILLS

Early Castle Mills—Holy Trinity Priory and tithe of mills—Granted to Knights Templar—Ditch to mills blocked—Henry III. grants timber for repairs, 1231—Value of mills, 1270—Suppression of Templars, mills surrendered to King, 1311—Mills and pond washed away, 1315–16—Repairs to new mills, piling of pool, and Foss head, 1315–1339—Citizens drowned in mill race, 1376—Accounts for repair of mills, etc., 1379—Mills granted to St. Leonard's Hospital 1464—Suppression of hospital, mills surrendered to Crown again, 1539—Mills sold by Queen Elizabeth to Francis Guilpyn—Yearly rent charge out of mills for Hospital, Heslington, 1608—Channel of River Foss deepened, 1727—Little Foss drained, 1731—Mills rebuilt, 1778—River Foss made navigable, 1793—Poetical allusion to smoke nuisance, 1797—Mills taken down, 1856—Rent of Fishpond of Fosse still paid to Crown Receivers—Oldtime bakers and castle mills.

ALMOST every feudal castle possessed a mill for grinding corn, as such a convenience was necessary, especially during unsettled times. Castles were invariably erected near waterways, where by a little engineering skill they could be encircled with wet ditches; and on some fronts, according to the contour of the land, could be defended by deep broad lakes or pools; and thus the pent-up water was available for driving a mill as occasion required.

At York William the Conqueror dammed up a stream for the purpose of encompassing the Castle and the citadel mound with water, and in doing this

an extensive tract of land was flooded. This newly-formed sheet of water, which protected the Castle on its east front, subsequently became a valuable royal fishery, and was known in mediæval days as the Fishpond of Fosse.[1] Below the head, or dam, of the lake was a smaller pool, the water of which served the mill and, subsequently, fell into the river Ouse.

The Norman kings and their local officials, the sheriffs of Yorkshire, retained possession of the Castle mills as long as the people of Northumbria were hostile to their government. In the lapse of years, the populace having submitted to the inevitable authority of the conquerors, the mills came into the possession of Nigel d'Albeni, who died between 1130 and 1135. Amongst his bequests were gifts to various religious houses, and among them Holy Trinity, York, occurs as a beneficiary: "To the Church of Holy Trinity I have given these dwelling-houses in York and the tithe of the mills."[2] This gift is confirmed in a charter of Henry II. dated between 1174–81, one in which the King was confirming the Priory possessions, and is mentioned thus: "Of the gift of Nigel de Albeni the tithe of the mills de castello of York." In another document it is mentioned as "Of the gift of Nigel d'Aubigny the tithe of the mills of the Castle of York, as the Charter of Roger de Mowbray testifies."[3]

Subsequently Roger de Mowbray, a powerful local baron, granted the mills to the Knights of the Temple,[4]

[1] See an account of the Fishpond and its Custodians, "York: the Story of its Walls, Bars and Castles," pp. 62-79, 331–34.

[2] Historians of the Church of York, vol. iii. p. 56. Quoted in "The Alien Benedictines of York," by Dr. Solloway, 1910, p. 70. [3] "Alien Benedictines of York," p. 90.

[4] The earliest grants which we find made to the Templars in England are in the reign of Stephen, A.D. 1135–54. Henry II. gave them a site on the river Flete, in London, for the erection of a mill.

a religious order of knights formally established in 1128.

The site of the Templars' mill was situated on the Fishergate side of the river Foss just below the pool which we to-day designate the Foss Basin, or Browney Dyke. This was, originally, the mill pool.

In 1215, when Geoffrey de Nevill was employed in defending the city against the defiant barons, the district of Walmgate was inclosed with a rampart and its external deep and broad ditch. Commencing at a point near the present Red Tower a ditch was dug to connect with the Foss Pool. Passing in a curved line half round the space inclosed, it terminated at Fishergate ; the water, when admitted from the pool, flowing into the mill pond below the head, or dam, of the Fishpond of Fosse. The earth excavated from the ditch was, in part, thrown inwards and upwards, so as to form a bank. The stank, or pool, of the Castle mills was henceforward, for many years, chiefly supplied with water by this ditch instead of, as previously, over the Fosse dam below the Castle. The talus of the new embankment was not solidified enough to allow of water being run through the ditch with impunity ; therefore, we learn, the loosened soil fell into the channel, partially choking it up.

The Master of the Templars complained to the King (Henry III.) that he suffered from this inconvenience, and a commission was appointed to look into the matter.

" The King to Martin de Pateshill and his colleagues, Justices in the County of York. The Master of the Templars in England has shown us that when Geoffrey de Nevill, formerly our Chamberlain, at the time of the war between King John our father and his barons, for the protection and security of the city of York and the district outside, caused a certain ditch to be cut, descending from the water which is called Foss to the water which is called Ouse, upon which the same

Master has a certain mill; this ditch through the falling in of earth and mud flowing in has become choked with earth and mud, so that the water is prevented from flowing into the mill, whereby the said Master suffers great detriment to his aforesaid mill; hence he intreats us that he may be allowed to open out the aforesaid ditch and clean it of mud, provided this opening and cleaning is of no damage to our City of York. We therefore order you that if this emptying and cleaning can be done without damage to our aforesaid city, you shall permit him to do it as seems expedient." [1]

In 1231 Henry III. allowed the Templars a supply of timber for the repair of the mills and requested Brian de Insula to permit oaks to be taken from the Forest of Galtres for the purpose.[2]

The following year the King granted the Master and Brethren of the Temple, in frankalmoin, " a piece of land near the mill of the said brethren without York, lying between the said mill and the water called Use and running from the Bar beneath the Castle to the street called Fishergate." [3] The street mentioned as Fishergate does not refer to the present thoroughfare known by that name, but to the highway which led from Fulford direct up to George Street or Fishergate Bar.

A writ was issued by the King at Westminster, dated March 29, 1270, requesting that an investigation should be made concerning the value of the mills of the Templars, and a judicial inquiry was held April 22—

[1] Cal. Close Rolls, 1226, vol. ii. p. 120.

[2] " Mandatum est B. de Insula quod in foresta regis de Gautric' faciat habere magistro Milicie Templi in Anglia v quercus, de dono regis ad molendina sua Eboraci reparanda " (Close Rolls, 1227–31, p. 510).

[3] Cal. Charter Rolls, vol. i. 1226–57, p. 148.

"Inquisition[1] at York, before J. de Reygate, on Tuesday after the close of Easter, 54 Henry, as to how much the mills of the Templars beneath the King's Castle of York are worth by the year in all issues, save costs and charges which it will be necessary to set for their keeping and repair, made by twenty-four free and lawful men, that is to say, by twelve men of the City of York, and twelve men without the City, namely: by Arnald Clerk of York, Henry Baker, Alan Crokebayn, John de Sutton, all of the same, Stephen de Hundemandby, John Gerrocke, Richard de Wykestowe, Geoffrey de Pykeringe, Ralp the Marshall (*le Ferrur*), Richard de Ryther, Ralp le Long, Simon Scraggy, Peter de Ros of Barton, William de Wygginthorpe, Adam de Hoby in Crambum, Robert son of William of Barneby, Richard son of Osbert of the same, William de Touthorpe, William Darel of Quelderyke, Geoffrey Murdoke of the same, Hugh Mureres of Elvington, William de Thorpe of Heselington, Robert de Henlay in Stivelingflet, and Robert le Long of Kelkefeud, who say by their oath that the mills aforesaid are worth by the year in all issues, save costs and charges which ought to be set for their keeping and repair, and save tithes of the same, twelve marcs."[2]

Along with other lands in Yorkshire belonging to the Templars the Castle mills were appropriated to the King's use. Sir Alexander de Cave and Robert Amcotes on December 1, 1311, took an account of the goods and chattels in and about the mills, which were of little value. This indenture containing an inventory is printed in the *Gentleman's Magazine*[3] for 1857.

[1] "Yorks. Inquisitions," Yorks. Archl. Socty. Record Series, vol. i. pp. 112–13.

[2] "Yorks. Inquisitions," Yorks. Archl. Journal Record Series, vol. i, p. 112.

[3] Part 2, pp. 519–527. See list of documents relating to the Templars in Kenrick's "Archl. and Histl. Papers," 1864, pp. 1–68.

A commission dated July 9, 1315, was granted to "Master Robert de Pykering (Dean of York), Stephen de Malo Lacu and John de Hothum to survey the King's mills by his Castle of York and his stew of the Fosse, and to inquire therein by oath of good men of the county of York, as it is reported that the former are going to ruin through the neglect of the keepers, and that the fish in the latter have been wasted by certain evildoers. By the King."[1]

An inquiry was made, and the sheriff of Yorkshire, Simon Warde, was ordered, January 13, 1316, "to cause the King's mills near the Castle of York to be constructed anew and repaired by the view and advice of 12 men of the City of York, and to cause the trench made by Nicholas Meynill, when sheriff of York(shire) (1315), to save the fish in the stew of Fosse, to be filled up, as the King learns, by inquisition taken by John de Insula and John de Donecastre, that the mills are wholly decayed through the default of certain keepers of the same, and that the wheels and other things were carried away by a great flood, and that John Malbyz, when sheriff (1314) of the county and keeper of the mills, considering that the houses of the said mills were so decayed that they could not last any longer, took down the timber of the said house to save the timber, which he delivered to Nicholas de Meynill, subsequently sheriff, by indenture made between them, and that Nicholas during his term of office caused a trench to be made to save the fish in the stew of Fosse in order that the course of the water might flow through it until he should cause the mill pond which had been carried away by the said flood, to be reconstructed. The sheriff is to receive the said timber from Nicholas and to use it in aid of the repair of the mills."[2]

[1] Cal. Pat. Rolls, Ed. II. 1313–17, p. 402.
[2] Cal. Close Rolls, 1313–18, p. 262.

On January 6, 1324, the sheriff of the county was ordered by Edward II. " to cause the sluices of the mills of York Castle, which the King understands are partly broken, to be repaired by the view and testimony of the mayor of York and of another man of that city."

Many orders for the repair of the head of the Fishpond of Foss and the mills appear on the Close Rolls, most of which have not been noticed by previous writers. Many of them are exceedingly interesting documents and they help us to picture, in imagination, the site of the old Castle mills, as the aspect of the locality has altered in the course of time in an indescribable manner

The following is a typical order—

" November 9, 1328. To the Sheriff of Yorkshire. Order to cause the defects in the head of the King's pond of the water of Fosse in the city of York to be repaired, as the King understands that there are many defects therein, so that there is fear of the breaking of the pond and the loss of the fish therein contained unless the defects be repaired."

We have seen by a previous record that the mills were rebuilt about the year 1316, after a great flood which did considerable damage. The old mill and the retaining walls of the pond were washed away, and we are unable now to locate the exact site of the newly erected mill.

In 1333 the sheriff was ordered to execute several works of repair at the Castle " and also to cause a certain wooden bridge near the portico [1] which leads from the said Castle on the south side to the King's mills of that Castle, to be newly built, from the issues of that bailiwick, by the view and testimony of Nicholas de Langeton, mayor of York." [2]

The " walls " of the mill pond which were piled

[1] The water-gate on the city side of the flanker or outwork.

[2] Cal. Close Rolls, 1333–37, p. 154.

with timber were repaired again in 1335, and John de Bray was ordered to supply for the purpose sufficient timber from the Forest of Galtres. Further repairs were necessary in 1339, and on February 13 the sheriff received instructions "to expend up to £40 in repairing the defects in the King's pond and mills of Fosse, co. York, by the view and testimony of William la Zousche, dean of St. Peter's, York, the treasurer, or of his deputy."

Davies records [1] that in 1376 an inquest was held on the body of Thomas de Novocastro, servant of Robert de Holbeck, a draper of York, who was riding his master's horse to the water near the mills, and was unfortunately drowned between the mills and the stone wall which enclosed the goote of the water running from the Foss to the river Ouse, between the Otter-Holmes and the mills. A similar accident happened at the same place in the reign of Richard II. John de Braytoft was drowned when watering his master's horse in the water between the chapel and the mills.

On May 28, 1379, Thomas Graa, John Pathorn and John Quixlay were appointed by Richard II. to repair the head (*caput*) of the King's stew of Fosse beneath the Castle of York and of the mills there, by the survey and testimony of the sheriff of the county, and John de Barden, keeper of the stew. We are able in this instance to give a copy of the account for repairs as rendered to the King's Exchequer—

"*York.*—ACCOUNT of Thomas Graa, John Pathorne and John Quixlay concerning the receipts costs and expenses made by them about the mending and repair of the head of the Fishpond of Fosse beneath the Castle of York and of the King's mills there in the 3rd year by the oversight and testimony of Robert de

[1] "Antiquarian Walks through York," p. 90.

Hornby,[1] High Sheriff of the county of York and John de Barden, keeper of the afsd. fishpond by the King's writ under the Great Seal patent dated the 28th day of May in the 2nd year of King Richard II. upon this account delivered, and by another King's writ under the same seal dated the 8th day of November in the 4th year directed to the Treasurer and Barons of this Exchequer, inrolled for remembrance in Easter Term of the same year, by which the King ordered the same Treasurer and Barons that, having reckoned with the same Thomas, John Pathorne, and John Quixlay concerning the afsd. expenses and costs, and awarded to them what by the oversight and testimony of the afsd. High Sheriff and John de Berden might reasonably be allowed in that respect concerning that which by the afsd. account should happen to be due to the same John, Thomas Pathorne and John Quixlay from the afsd. Treasurer and Chamberlains, they should make to appear a due reward or competent appointment of this (exchequer) concerning the receipts costs and expenses, as under—

"*Receipts.*—The same defendants account for £20 received from the afsd. High Sheriff in connection with the afsd. works without an Indenture as is contained in a certain schedule of particulars here in the treasury delivered. And for 6*s.* 8½*d.* from divers things sold on account as therein contained.

Total Receipts, £20 6*s.* 8½*d.*

"*Expenses.*—The same account for timber, stone, sticks, iron, lime and other small necessaries bought and used about the works afsd., together with carriage and boatage of the same things from different places where they were bought and provided to the fishpond and mills afsd. ; also for wages and stipends of masons, carpenters, sawyers, and other workmen for the same

[1] "Robert de Nevyll of Hornby, Knt.," in the list of Sheriffs.

works, of hire at different times in the said 3rd year, £28 8*s.* 7½*d.*, through the afsd. King's writ noted above in the heading of this account as contained in the said Schedule of the afsd. Thomas, John Pathorne and John Quixlay, and also contained in a certain Schedule of the afsd. High Sheriff and John de Berden of the rolls of particulars delivered here in the Treasury.

Total expenses £28 8*s.* 7½*d.*

" And there is a surplus of £8 1*s.* 11*d.*, concerning which there is to be payment or satisfaction from some other person according to the text of the King's writ under the Great Seal above noted in the heading of this account. Which same writ on the 16th day of May in the 4th year of King Richard II. was delivered from the Treasurer and Chamberlains to the Recorder of the Exchequer." [1]

A similar account is recorded in the 7th Henry VI.—

" *York.*—ACCOUNT of John Forester, Keeper of the King's Water of Fosse for 100*s.* received by him from Thomas Brounflete, overseer, lately High Sheriff for Yorkshire in the 8th year of King Henry V. late King of England, father of our Lord the present King, concerning divers repairs and amendments made by him John about the enclosure of the mouth of the afsd. water there, as is contained in the Great Roll of Itm. York, for the 6th year of the said present King Henry VI. viz. for the receipt of this as below—

" *Receipts.*—The same defendant accounts for 100*s.* received by him from the afsd. Thomas Brounflete, overseer, lately High Sheriff in the County afsd. concerning the repairs and amendments made by him John about the enclosure of the mouth of the afsd. water of Fosse as is contained in the said Great Roll in Itm. York for the 6th year of the present King, and also in a certain Roll of particulars here in the Treasury delivered. *Total Receipts* 100*s.*

[1] L. T. R. Foreign Accounts, 3 Richard II., No. 14m. H.

"The same accounts for a quarter in timber, bitumen, pitch, large nails, iron brackets, rigotts, and iron hurdles bought and provided at different prices both for repair and amendment, also for piling of the pool mills there about the enclosure of the mouth of the afsd. water of Fosse and expended in the same works, together with the carriage of the afsd. things from the different places where they were bought and provided as far as the afsd. pool, also for wages of different carpenters and labourers for working daily upon the same works 100*s.*, viz. to every one of the afsd. carpenters 3*d.* and to every one of the afsd. labourers 1½*d.* per day as is stated upon his oath contained in the afsd. Schedule of particulars delivered here in the Treasury. *Total expenses* 100*s.*"

There are many orders for the repair of the mills which we have not quoted, owing to the similarity of their wording. The few we have given disclose details and sidelights of local interest, and also show us how the King and his officials carried on their business.

The Crown, after retaining possession of the mills for nearly one hundred and sixty years granted them in 1464 [1] to St. Leonard's Hospital, York, in lieu of certain privileges the master and brethren enjoyed in the Forest of Galtres, viz. *housebote*, permission to take timber for the repair of dwellings, etc., and *haybote*, the collecting of wood for fuel and the repair of fences.[2]

[1] Cal. Pat. Rolls, 1464, p. 335.

[2] The Privileges of the Hospital of St. Leonard referred to in an Inquisition made at Easingwold, on Sunday after St. Matthew's Day, September 23, 1302. "It is not to the King's profit to sell the branches of the oaks and other trees which have fallen in his forest of Galtres, as the master and brethren of the hospital of St. Leonard of York heretofore have had, and have been used to have, all branches of fallen oaks in the King's demesnes, for making their charcoal. If they were sold to charcoal burners or any other persons, the King's game

The following is an abridged copy of the King's grant, dated November 19, 1465—

" Indenture between Edward IV. and George, archbishop of York, master of the hospital of St. Leonard of York, reciting that the brethren of the hospital, from time immemorial, had housebote and haybote in the King's forest of Galtres, for repair of all their messuages, supply of firewood, and enclosing of their closes ; the King now, for preservation of the forest and the beasts therein, by the grant of the hospital, wills that in future they have haybote only for their closes therein called ' Lesmer,' ' Kelsthwayt,' and ' Grenthwayt ' and for compensation grants them all his water mills by York Castle, called ' Castelmylnes.' "[1]

The venerable hospital of St. Leonard, after an existence of six hundred years, shared the same fate at the Dissolution of Monasteries as other religious houses. On December 1, 1539, Thomas Magnus, the master, and his brethren surrendered the hospital and all its possessions in the city of York, Westmoreland, Cumberland and elsewhere in England and Wales, and the marches thereof to Henry VIII. and the same were acknowledged on behalf of the King by Richard Layton and Thomas Leigh, two of the Chancery clerks. Thus a third time the Castle mills became Crown property. They were held by Henry VIII., Queen Mary and Queen Elizabeth, and the latter sovereign about the year 1570 sold the mills to one Francis Guilpyn for £12.[2]

Shortly afterwards they came into the possession of Sir Thomas Hesketh, Knt.,[3] of Heslington Hall, attor-

would not stay in the cover on account of the fire and noise made by the charcoal burners, and by reason of the destruction of the oaks and other trees " (" Yorks. Inquisitions," Yorks. Archl. Journal, Record Series, vol. iv. p. 23).

[1] " Cat. of Ancient Deeds," vol. i. a. 706.

[2] " Eboracum," Appendix XXXIX. [3] See appendix A.

ney of the Court of Wards, and a Member of the Council of the North, who in 1608 built a hospital in the village of Heslington for poor people, and endowed it with a yearly rent charge out of the Castle mills.[1]

The mills were no doubt re-erected about this period, as Sir Thomas Widdrington, writing in 1656, says that " before the building of the mills which are now called the Castle Mills, which is not many years since, as I have heard, the place where the mills are, was a fair green and the only passage from Fishergate Postern to the Castle." [2] At what time the original site was vacated is uncertain; the mill pool below the Foss was evidently disused and abandoned at, or prior to, the above date. The new mills were situated higher up the stream and abutted upon the approach of the present bridge, which still exhibits an old blocked-up archway.

Year by year the water coming down the Foss River was gradually decreasing in volume, and in 1727, " an order was granted to Arthur, Lord Viscount Irwin for scouring the River Foss, beginning at the Castle Mills and proceeding up to Foss Bridge, making it eight yards wide at the top and four yards at the bottom, every one doing their own that had lands laying against the water." [3]

The ditch or fosse, on the south front of the Castle, connected with the river Foss, and running beneath the Castle water-gate was designated the Little Fosse, and on May 1, 1731, Beckwith records that the Corporation drained it by placing " a small arch turned to throw the water into St. George's Close."

In mediæval days a flanker or outwork extended from the existing drum tower at the angle of the Castle

[1] Drake mentions that the foundation deed is amongst our City Records.

[2] " Analecta Eboracensia," p. 262.

[3] Beckwith's MS. Minster Library.

walls towards the Little Fosse. From this fortification, strengthened with a tower at its extremity, the approach by the wooden bridge over the river Foss leading up to the great gate of the Castle could be defended. Anciently there was no thoroughfare from Castlegate Postern towards Fishergate, and in the Corporation Housebook, April 25, 1733, an order states " That a Horse Bridge, with an arch under it, be made between Castle Mills and Fishergate Postern, where the wood bridge now is, in such manner as the wardens of Walmgate Ward shall think fitt, at the City's expense." In 1746 the newly-erected Horse Bridge was washed away by a flood, the roadway was subsequently altered, the ground raised, and another bridge erected, which gave place to the present bridge, built early in the nineteenth century.

The mills were rebuilt in 1778 and a steam engine supplied the chief motive power. James Montgomery, the poet, who was imprisoned in the Castle for a political offence in 1797, humorously mentions the fact in his " Prison Amusements " thus—

> " The noisome smoke of yonder mills,
> The circling air with fragrance fills."

The writer added a note mentioning the smoke of the Castle Steam Mills as "an insufferable nuisance here, and a punishment to which the unfortunate inhabitants of this place are doomed without the authority of judge or jury."

The old mills were evidently visited by curious visitors, and for their edification the following rhyming notice was posted on the staircase near the entrance—

> All that come into this mill,
> And want upstairs to go,
> Must first the miller's pitcher fill,
> Or else stay down below.

The pitcher could easily be filled ; adjoining was an alehouse with the appropriate sign of " The Windmill."

The river Foss was made navigable by a proprietary company under two Acts of Parliament, passed in 1793 and 1801. Under the York Drainage and Sanitary Improvement Act of 1853, the Corporation purchased the Foss River from the company which had made it navigable under the above acts ; but in 1859, by the York Improvement Act, the river above Yearsley Bridge, as a waterway, was abandoned.

The Castle mills were taken down in the year 1856. The Corporation still pay, yearly, the original rent-charge of £50 for the hospital to the Lord of the Manor of Heslington ; and, strange to say, our civic authorities also remit every year to the Crown receivers the sum of £3 10*s*., less taxes, the ancient rent of the Fish-pond of Fosse. There were several windmills on the hillocks and high ground around the city : three mills were situated on the Mount ; one on Lamel Hill, Heslington Road ; some at Heworth ; one on the high ground at the extremity of Fishergate ; another in Burton Lane ; Nun Mill stood on the west side of Bishopthorpe Road ; and one on Acomb Road, which is still in use. Prior to the introduction of steam power, the Castle mills were the most important mills in York.[1] In the records of the old Bakers' Guild [2] of York, a fraternity dissolved in 1835, there are many references to the Castle mills, of which the few following are typical. In 1585 William Wayte " for giving moulter at castle myls " was fined 2*d*., and five other offending bakers the same year were similarly dealt with. The following year " Thomas Bewemer for gevinge moulter att Castle mylls " had

[1] Peter de Appleby, Bailiff of York, 1289-91, possessed property adjoining " Le Horse Mylne " near St. Sampson's Churchyard.

[2] See *The Archæological Review*, vol. i. 1888.

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to forfeit 4*d*. These members of the craft had evidently transgressed a by-law or ordinance of the guild which read as follows—

" And further it is agreed that from hencforthe no maner of milner or milners within this cittie or suburbs thereof shall from hencforth sell any maner of multer corne meale, but onelye in open markett and by weight, upon payne of every person to forfaite, for everye bushell solde in anye other maner x*s*., to be payd and devided as is aforesayd."

In 1587 Matthew Roger, a baker, was compelled to pay a fine " for brawlinge at castle mylls."

CHAPTER X

THE CHAPEL OF ST. GEORGE BY THE CASTLE

A royal free chapel—Granted to Knights Templar—Suppression of Templars, 1308–12—Contents of Chapel—Edward II. retains chapel and increases chaplain's stipend—Rents of chapel in arrear—Names of chaplains—Riotous citizens damage chapel, 1382—Chapel granted to new Guild of St. George, 1447—Suppression of Guild, 1546—Corporation of York obtain possession of chapel—Festival of St. George's Day, 1554—Chapel demolished for its stone, 1571—Manufactory built on its foundations—Substructure of chapel and tenements taken down, and site cleared, 1856.

ST. GEORGE'S Chapel was an early free chapel of royal foundation, and was situated on the west bank of the old mill pool immediately below the Castle. Like the royal chapel at Windsor Castle, it was dedicated to the patron saint of England and was a place of religious worship exempt from all ordinary jurisdiction. It was originally built upon an ancient demesne of the Crown, whilst in the King's hands, for the use of himself and retinue when he came to reside in the Castle. During the Norman and Plantagenet periods York Castle was primarily a fortress; and access to the chapel, without its walls, was by a postern gate in the enceinte, which Halfpenny, in 1807, erroneously named a sally-port. The passage from this gateway, opposite the chapel, crossed a wooden bridge carried over the encircling wet ditch or fosse of the Castle.

King Henry III. frequently erected chapels and sumptuous apartments in his castles, and at York, when he built the keep, an oratory or chapel was constructed within the forebuilding or gatehouse. The Tower Chapel was finished in 1246, and Henry appointed its first chaplain, with an annual stipend of £2 10s., and at the same time provided vestments and a chalice.

The Knights Templar obtained possession of the Castle mills about the middle of the twelfth century, but the exact date when St. George's Chapel was granted to them has not transpired; it was probably at the time, or shortly after, the chapel in the Castle keep was completed. The Templars held the chapel until their suppression in 1308–12. Before the ancient order of the Temple was finally dissolved its properties in Yorkshire, including St. George's Chapel, were seized and in the hands of Adam de Hoperton, as custodian for King Edward II.

On December 1, 1311, they were delivered to Sir Alexander de Cave and Robert de Amcotes, and these commissioners took an account of the goods and chattels in and about each manor, preceptory, and chapel. St. George's "appears to have been well furnished with books, vestments, and vessels, and it is noted that the chalice had been valued at a hundred shillings, when the Templars were seized, but it was not worth so much." [1] The King kept possession of the chapel and its contents. The chaplain, Thomas de Norton, it would appear was retained, and his salary of six marks per annum, derived from rents appertaining to the chapel, payable at Martinmas and Whitsuntide, was increased to eight marks by a grant [2] made by Edward when in York, on May 30, 1312. In 1314 the rents due to the chaplain were in arrear and on

[1] Kenrick's "Knights Templar in Yorkshire," p. 56.

[2] See Appendix B, also Cal. Pat. Rolls, 1307–13, p. 463.

September 12 the King issued a mandate " to the Sheriff of York(shire) and all other his bailiffs, ministers and other lieges in that county. As divers rents in the city of York and elsewhere in that county appointed for the sustenance of a chaplain celebrating divine service daily in the Chapel at the Mills, sometime of the Templars, by the Castle of York, which mills are in the King's hands, are in arrear, to the abating of the divine worship, the King appoints Richard Squier, King's yeoman, to levy and collect all such rents which are in arrear. The sheriff and others are to render every assistance to the said Richard Squier, whenever requisitioned, so that the said rents may be levied for the sustenance of the chaplain and not converted to any other uses." [1]

On November 8, 1327, Richer de Ledes was granted for the term of his life the chaplaincy " of the chantry in the King's Chapel by the King's Mills, without the Castle of York." [2] The sheriff of the county on March 26, 1333, was requested by the King to cause the chapel " to be repaired so far as is necessary for the celebration of divine service." In 1338 Ledes the chaplain was deceased, and was succeeded by Henry de Seuerby. Subsequently we find John de Ketilwell chaplain, and later Robert de Couton, who was succeeded in 1382 by John de Kyngeslowe.

The populace of York were always jealous of the privileges enjoyed by the master and brethren of the Hospital of St. Leonard, and other local powerful monastic institutions, and they frequently in a tumultuous manner attacked and damaged the religious houses in the city. Such a rabble in 1382 broke the closes, walls, and doors of the Hospital of St. Leonard " and of the King's chantry near " the Castle.

One hundred and twenty citizens were implicated in

[1] Cal. Pat. Rolls, 1313–17, p. 173.
[2] Ibid., 1327–30, p. 189.

the riot, and Simon de Quixley, the mayor, had to compel them to repair the damage they had done. Each rioter had to give a security of £100 to be of good behaviour, and any one who refused had to be apprehended and sent before the council.[1]

Richard II. in 1396 granted the custody of the chapel to one of his clerks, Simon Gaunstede, and on October 13, 1399, a deed was enrolled ratifying the estate Gaunstede possessed as warden of St. George's Chapel. This ecclesiastic, as was the custom of the period, was a pluralist and seldom visited the chapel; he held the Prebend of Crakepole in the Cathedral Church of St. Mary, Lincoln, and the free chapel of Badmundesfeld. In 1426, William Brownyng was appointed chaplain of St. George's for life.

The chaplains, or wardens as they were sometimes called, seem to have been remiss in their duties, as the chapel was deserted and became ruinous. In 1447, Henry VI. granted a licence to five pious citizens of York, William Craven, John Kyrkeham, John Bell, John Preston and John Shirwoode, to found a guild for themselves and other persons, men and women, in the Chapel of St. George, which on account of the non-residence of the chaplain and its small value was deserted.[2]

The newly-formed Guild of St. George repaired the chapel and made it again fit for religious services. Thomas Pearson, the Sub-Dean of York, who died October 28, 1491, amongst his many bequests to religious institutions left 6*s.* 8*d.* towards the "Fabrica capellæ St. Georgii." This was one of several like gifts made by the members of the fraternity.

The Guild of St. George became affiliated with that of St. Christopher, and the two brotherhoods aided the Corporation in the rebuilding of the Guildhall or

[1] Cal. Pat. Rolls, 1381–85, p. 137.
[2] Patent 25 Henry VI., p. 2 m. 7.

the Common Hall of the city of York, near which was St. Christopher's Chapel facing Coney Street. An Act was passed in 1529 forbidding any spiritual person, after the feast of Michaelmas, to receive any stipend or salary for singing masses for the souls of the dead ; and the Corporation assisted in the dissolution of the Guilds of St. Christopher and St. George. In 1545, another Act came into force giving power to Henry VIII, during his natural life, to dispose of all colleges, free chapels, chantries, hospitals, fraternities, brotherhoods, guilds, and stipendiary priests in England and Wales.

Just a hundred years after the foundation of St. George's Guild a Commission was appointed, February 14, 1546, to survey and seize the lands of chapels, chantries, etc. in Yorkshire. Its reports include some particulars of the guild and its inner working—

"**Memorandum.**—The severall guyldes of Seynte Christopher and Seynt George, withyn the cytie of Yorke, that is to saye, the guylde callyd Seynt Christopher Guylde was founded in the tyme of Rychard the Seconde as by the letters patentes of the sayd late Kyng dated at Yorke the XIJth day of Marche in the XIXth yere of his raigne, made to one Robert Delhoye, cytesyn of the said cytie, to erecte and make the sayd guylde or fraternitie. And the said guylde of Seynt George was founded in the tyme of Kyng Henrye the VJth, as by his letters patentes, dated at Westminster the XXIXth day of Maye in the XXVth yere of his raigne, made to William Craven and other cytesyns of the said cytie, as by their severall grauntes more playnlye apperyth. By reason wherof, they have not onely erectyd the said IJ guyldes, but also purchasyd landes and tenementes, lyeing nye the said citie and elswhere, to the yerely value of XVJ*li.* XV*s.* VIIJ*d.* and by the same auctorytie have made and erected dyvers ordinances, as well

for the disposicion of the said reveneux and prouffyttes, as also such other money as so accrewe unto theym, by reason of the proffites of the brotherheed of the said guyld, to the mayntenance of their common hall, callyd the Guylde Hall of the said citie of Yorke, but also for repayryng and mayntenance of certen stone brydges and highweys, in and aboute the cytye, and to the releyff of dyvers poore peple, by theym to be founded withyn the same. Which said reveneux be not able to bere or mayntene the said charges, so that ther is no perpetuall stipend or other spirituall promocion chargeable, wherby the Kinges Majestie ought to have the first fruites or tenthes. And further the sayd ij guyldes have and doth pay subsydye accordyng to the Kinges actes in that behalf made." [1]

Henry VIII. died in 1547, and on the accession of Edward VI. another Act was passed to enable his ministers to receive the benefits accruing to the Crown under the earlier Act. By this Act chantries and religious guilds were effectually suppressed, and the Mayor and Commonalty of York were granted sole possession of the Chapel of St. George, and an adjoining close (St. George's Field), as well as the Guildhall and St. Christopher's Chapel by the hall gate.

During the short reign of Queen Mary, the Corpus Christi pageants and the Festival of St. George's Day, which had been discontinued, were revived and exhibited in all their pristine splendour. On April 20, 1554, the Corporation agreed that "accordyng to the auncient custome of the citie, the solempne procession shalbe had on Saynt George day, and a messe with a sermon to be done at Saynt George chapell, and also Seynt George that day to be brought forth and rydd as hath been accustomed, at the chambre cost."

[1] "The Certificates of the Commissioners appointed to Survey the Chantries, Guilds, Hospitals, etc., in the County of Yorkshire" (Surtees Socty., part i. p. 82).

"Chargys and expences mayd uppon St. George Day[1]—

"Item, payd to Doctor Robynson that mayd the sermond in Saynt George close upon St. George Day, 3*s.* 4*d.*

"Item, payd for bryngyng and carryeng home agayn the pulpytt and formes, 7*d.*

"Item, payd to the waites for rydyng and playinge before St. George and the play, 1*s.* 8*d.*

"Item, payd to Mr. Thornton for sylver paper for skottchons, and for oyle and varmolon to the same, 3*s.* 4*d.*

"Item, to Rychard Graves for cuttying the scutchons, 1*s.*

"Item, to Thomas Paynter for payntyng the skutchons, 2*s.*

"Item, payd for a great nale to St. Xp'ofer hed, 2*d.*

"Item, payd to William Paynter for stuf and workmanshipe of V hundrethe skotchons of the best sorte, 2*s.* 6*d.*

"Item, payd for VI yerdes of canvas to the pagyant, 4*s.*

"Item, payd to William Paynter for payntyng the canvas and pagyant, 1*s.* 4*d.*

"Item, to the porters for beryng of the pagyant the dragon and St. Xp'ofer, 1*s.* 6*d.*

"Item, payd to the King and Quene that playd, 1*s.*

"Item, to the May, 8*d.*

"Item, to John Ellys for layne of St. George harnes and his follower, 1*s.* 8*d.*

"Item, to Roger Walker for mendyng the dragon, 1*d.*

"Item, to John Stamper for playing St. George, 3*s.* 4*d.*"

This was probably the last occasion St. George's Chapel was used for religious purposes. In 1564,

[1] City Chamberlains' Accounts, 1st Mary.

old Ouse Bridge was overturned "when by a sharp frost, great snow, and a sudden thaw, the water rose to a vast height, and the prodigious weight of the ice and flood drove down two arches of the bridge by which twelve houses were overthrown and twelve persons drowned." [1] To effect the necessary rebuilding of the bridge, Christopher Walmesley, free mason, was chosen to do the work; and various resourceful means were adopted by the Corporation in providing stone for the repairs. The tower on the city walls at the corner of the Old Baile was denuded of its superstructure, and the Chapel of St. George was demolished, and the stones therefrom were carried to the bridge and re-used. The Council's decision, May 13, 1571, recording the pulling down of the chapel reads—

"It was thought meet and fully agreed that the mansion house called St. George's Chapel, nigh the Castle Mills, shall be taken down, and all the freestone of the same to serve towards present reparation of Ousebridge. And all the residue of tile, timber, and stuff to be husbanded by the Chamberlains to the most profit of the city."

In the seventeenth century a building, utilized as a manufactory, was erected on the old foundations of the chapel, and on some of the buttresses which had not been disturbed. Subsequently, this erection, with a yard in the centre, through which a public footpath passed, was divided into tenements, and the front part towards the street was occupied by three small shopkeepers. The building and the substructure of the chapel were taken down and the site cleared, in the year 1856. A stone, with a plain cross in relief, originally fixed over the doorway of the chapel, is preserved in the collection of the Yorkshire Philosophical Society.

[1] Drake, "Eboracum," p. 280.

TENEMENTS ERECTED ON THE FOUNDATIONS OF THE CHAPEL OF ST. GEORGE.

CHAPTER XI

RUINOUS CONDITION OF THE CASTLE IN THE FIFTEENTH AND SIXTEENTH CENTURIES

Decrease of lawlessness in England and on the borders of Scotland—Motehall in Castle restored, 1451—Nicholas Leventhorpe appointed surveyor of castles, 1472—Fletchers and bowmakers work in the Castle, 1474—Liberties of city and Castle adjusted, 1478—Projected reparations by Edward IV., 1478—Richard III. dismantles the Castle—Lord Mayor Todde reports Castle in ruins, 1487—Leland describes Castle in ruins, 1534—Thomas Cromwell, Vicar-General, mentions Castle as in ruins—Contemplated erection of new Hall in Castle, 1580—Spoliation of Castle works during Elizabeth's reign.

THE gradual change and development of English castles at the hands of successive generations is a fascinating feature in the study of mediæval military architecture. We have seen how, from a mere earth and timber stronghold,[1] stage by stage, the Castle of York eventually became a perfect fortress of masonry of great strength, encircled by formidable wet ditches, with the addition of every defensive device that the experienced military engineers of the Middle Ages could devise.

When the Castle was founded by William the Conqueror, to overawe the people of the North, the citizens were hostile to Norman rule. Subsequent monarchs who held the fortress were no longer foes of the people, but all fought against their common enemy, the Scots. By the beginning of the fifteenth century lawlessness in England had greatly decreased, and comparative

[1] Chapters 1 to 4.

peace prevailed on the borders of Scotland (although those living in the immediate neighbourhood of the border line carried on petty depredations until the accession of James I.); hence the Castle declined as a military base. Further mention of repairs and new defensive works are very scanty, in fact most references allude to its ruinous and weak condition. Its walls and towers became dilapidated, but the erections in the bailey were occasionally rebuilt and utilized, as heretofore, for the holding of assize, the safe-keeping of prisoners and other county purposes. Buildings appropriated for the Royal Mint were also reconstructed from time to time as circumstances required.

It is interesting to find that, in the year 1451, the building known as the King's Great Hall, wherein the Judges of Assize administered justice, and the ancient County Court was held, was also called the Motehall. This courthouse was a timber and plaster erection, and it was renovated under the superintendence of Ralph Bygod, who was High Sheriff from December 3, 1451, to November 23, 1452. His account of work done discloses many curious items—

"York. Heard $\left\{\begin{matrix} B.\ Roucliff,\ Baron \\ W.\ Proctour,\ Clerk \end{matrix}\right\}$ Account of Ralph Bygod, overseer, late High Sheriff of Yorkshire for divers costs and expenses by him lately made and apportioned, as well about the repairing the King's Great Hall within his Castle of York called the Motehall, and divers rooms being next the aforesaid hall there, as about the repairing of certain barriers within the aforesaid Hall for the safety of the King's prisoners for the time being appearing before his Justices there, under the King's writ from his Exchequer dated the 12th day of April in the 30th year of his reign directed to the aforesaid late High Sheriff thereupon, and delivered upon this account. In which among other

things is contained that 'Whereas the King on the testimony of trustworthy men has heard that several defects are known as well in the Hall and rooms aforesaid as in the barriers aforesaid which need great repair, therefore the King ordered the aforesaid late Sheriff that he should take from the outgoings of his bailiwick for repairing and amending the defect of the aforesaid things where they should most need it, up to the total of 100 shillings.' And the King thereupon would cause to be taken in his next account at the King's Exchequer a due award from the office of High Sheriff aforesaid to be rendered to him, viz. concerning the costs of this work and the expenses there, as below.

"The same accounts for divers laths, keys of different sorts, tiles, lime and oaks, bought and used as well upon the roofing and repair of the said King's Great Hall within the aforesaid Castle and of the different rooms being next the aforesaid hall there, as upon the repair and amending of the aforesaid barriers within the same hall for the safety of the King's prisoners for the time being appearing before his Justices there appointed, together with the wages of different tilers, sawyers, carpenters and labourers there working and labouring in the aforesaid works, £3 17*s.* 4*d.* under the aforesaid writ above noticed in the heading of this account, and as contained in a certain schedule of particulars thereof delivered here in the Treasury where all and singular the particular prices of the aforesaid stuffs with the separate wages of the aforesaid tilers, sawyers, carpenters, and labourers are severally noted and declared.

"Total expended £4 17*s.* 4*d.*, which is apportioned in Roll 31 of this King in the matter of York, after debt of the said late Sheriff." [1]

[1] L. T. R. Foreign Accounts, 31 Henry VI., No. 87 m. N. back.

Ten years later King Edward IV. visited York and sojourned in the city from May 8 to the 11th, 1461. Whilst in the Castle, on May 8, Edward appointed, "during good behaviour," Brian Rouclyff as third Baron of the Exchequer with the right of "receiving the usual fees at the receipt of the Exchequer and from the citizens of York for the farm of their town and the Weavers of York for their Guild, and also his official vestment with lining and fur at the King's great wardrobe, as in the time of Edward III."

On April 15, 1472, Edward IV. appointed Nicholas Leventhorpe surveyor of all Crown castles "in the counties of York, Cumberland, Westmoreland and Northumberland, the cities of York and Carlisle." [1]

In 1473–74 King Edward put forth a claim to the crown of France and made extensive preparations for invading that country in conjunction with Charles of Burgundy. Bows and arrows were manufactured at York for the army; and doubtless, as the High Sheriff made proclamation on behalf of the King, the various craftsmen worked in the Castle, as is recorded on former occasions during warlike preparations.

"May 24, 1474. Commission to John Covert to make payments of prest money [2] to fletchers (*petillarii*) for the manufacture of 'shefe-arrowes,' workmen for the manufacture of bows and 'bowestaves,' smiths for the manufacture of arrowheads and workmen called 'strengers' for the manufacture of strings for bows in the counties and cities of Lincoln and York, and to certify thereon to the King and council with all speed, the King having caused proclamation to be made by the sheriffs in those counties for the manufacture of the same with all speed for the ordnance

[1] Cal. Pat. Rolls, 1472, p. 333.

[2] The *earnest*-money received by soldiers and others taking service for the King.

of the army going with him to France for the recovery of that realm and his right there." [1]

In 1478, during the mayoralty of John Fereby,[2] some dispute affecting the liberties of the city and the Castle was evidently adjusted at a gathering of local dignitaries held in the City Council Chamber, at which the Justice of Assize probably acted as arbitrator. As was the custom on such occasions wine was given to the officials that attended "of benevolence for their pains taken" in the matter—

"And paid for two gallons and a half of red wine, bought and bestowed on the Mayor, Richard Nele, Justice of Assize, Robert Ryther, Sheriff, and others, as well of the council of the chamber as of the county of York, within the council chamber, on the 6th day of March, for the conservation of the liberties of the city, namely, between the city and the Castle of the county of York. 20*d*." [3]

Sir Robert Ryther,[4] of Ryther, Knight, Lord of Harewood, High Sheriff from November 5, 1477, to November 5, 1478, was presumably a favourite at Court, as the King, Edward IV., constituted him constable of the Castle for life. This is a rather exceptional appointment when we consider that each successive sheriff was nominally the supreme head of affairs in the county and had control of the Castle.

"November 18, 1478. Appointment for life of Robert Ryther, Knight, as constable of the Castle of York and a tower situated by it, both of which the King intends shortly to repair, and grant to him for

[1] Cal. Pat. Rolls, 1474, p. 462.

[2] John Fereby was one of the Chamberlains of the city in 1462, Sheriff in 1473, and Lord Mayor in 1478 and 1491, and died during his second mayoralty. He represented York in the first parliament of Henry VII.

[3] City Records.

[4] Sir R. Ryther, died June 30, 1491, aged 52.

life of 20 marks yearly from the customs and subsidies in the port of Kyngeston on Hull, with all other profits pertaining to the office of constable." [1]

From the document referring to Sir Robert's appointment we incidentally learn that the King intended restoring the Castle; but his project was not carried out. Five years later Richard III. assumed the reins of government, and he, imbued with a similar desire to reconstruct the Castle, caused several buildings and towers to be taken down. Unfortunately, he too terminated his kingship before any works of restoration were commenced. It was, probably, to give due effect to the following decisions and provide adequate accommodation that Richard determined to rebuild the Castle—

"For we wolle (will) that alle our castelles be our gaole; and if noo such castelle be nere, than the next common gaole."

"Item, that the said counsele be, hooly if it may be, onys in the quarter of the yere at the leste, at York, to here examyne and ordre alle billes of compleyntes and other there before theym to be shewed, and oftyner if the case require." [2]

The dismantled and weak condition of the Castle is casually mentioned in a letter written April 23, 1487, during the Lambert Symnell Rebellion, by William Todde, Lord Mayor, to King Henry VII., representing to his Majesty the defenceless state of the city walls and the Castle—

"Albeit, souverain lord, youre said citie is soo greteley decayed as well by fallyng down of the walles of the same and by takyng downe of your Castell there by King Richard and as yet not reedified as

[1] Cal. Pat. Rolls, 1478, p. 127.

[2] Regulations for the Council of the North. See Letters and Papers Illustrative of the Reign of Richard III. (Rolls Series), pp. 57–58.

othre in diverse wise that without the same bee more largely manned may ne cannot wel be kept ayenst youre ennymes and rebelles if the shuld as God defend approache and move werre ayenst the same." [1]

The rebellious malcontents gaining no sympathy in the vicinity of York avoided the city, marched southwards and were eventually dispersed at Stoke near Newark.

Leland in his oft-quoted "Itinerary," a remarkable tour, which he accomplished at the instigation of Henry VIII., during the years 1534–36, very briefly notices the Castle thus—

"The Area of the Castelle is of no very great Quantite. There be a 5 ruinus Toures in it.

"The arx (keep) is al in ruine: and the roote of the Hille that yt stondith on is environed with an Arme derived out of Fosse Water."

This quaint description informs us that when the annalist visited the Castle the motte was at that time encircled by the original wide wet ditch, and that the Fishpond of Fosse was in existence, which he describes as "Fosse Water."

Again we read that the Castle was in ruins in "A remembrance for the right honorable Mr. Cromwell, secretary to the King's highness, of certain business and matters in Yorkshire."

"The King has not, in York or near, any house able to lodge his commissioners or councillors except the site of a Castle which is in ruins. If the Castle were repaired it would be a great help hereafter. The debts and profits of the shire would probably mend it, if the King's laws may have place." [2]

[1] See "Original Documents relating to Lambert Symnell's Rebellion from the Archives of the City of York." By Robert Davies, F.S.A., Archæological Institute at York, 1846.

[2] Cal. of Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII., vol. vii. p. 617.

Clifford's Tower, taken from Mr. Wallis' Garden.

From a Wash Drawing, by permission of Dr. Evelyn.

In 1580 a letter was forwarded by Queen Elizabeth's State officials to the magistrates of Yorkshire "concerning the building of a new hall in the Castle of York."[1] William Camden in his "Britannia," a survey of the British Isles, originally published in 1586, writes of the city and Castle thus: "On the south-east it is defended by a Foss or Ditch, very deep and muddy, which runs by obscure ways into the very heart of the City, and has a bridge[2] over it so set with buildings on both sides that a stranger would mistake it for a street: after which, it falls into the Ouse. At the confluence, over against the Mount before-mentioned, Wm. the Conqueror built a very strong Castle, to awe the Citizens. But this without any care, has been left to the mercy of time, ever since fortify'd places have grown into direpute among us, as only fit for those who want courage to face an enemy in the field."[3]

The government were indifferent as to the state of the Castle, and the demolition of Clifford's Tower was contemplated in 1596, but it was spared because "the pulling of it down will cause great discontent in all the city."[4] At this period Robert Redhead, the gaoler, destroyed the flanker or outwork near the water-gate and employed the stones for his own use.

[1] "His. Man. Com. Report," vol. ii. p. 348.
[2] Foss Bridge.
[3] 1722 Edition, vol. ii. p. 877.
[4] See Chapters on Clifford's Tower.

CHAPTER XII

ROYAL MINT IN THE CASTLE

Early mints at York—Archiepiscopal mint—Royal mint established in the Castle—Houses built for moneyers, 1353—Coinages at York—Mint buildings erected in Castle, 1423—Thomas Haxey, treasurer of the Cathedral, appointed warden of the mint, 1423—Mintmasters—Mint in the Castle discontinued, 1546, established in Hospital of St. Leonard—Minster plate used for coining—Later mints at York.

NO evidence of the existence of a Roman Mint at York has been discovered. Northumbria, of which the city of York was the metropolis, was the only kingdom of the Heptarchy which possessed both a silver and a copper coinage. During the Saxo-Danish rule at York the local kings or jarls coined their money in the city. At York the Prelates were given the power of minting, by the authority of the Crown, and they exercised that important privilege within the precincts of their palace from a period before the Norman Conquest down to the archiepiscopate of Edward Lee,[1] who was the last of the York Prelates to enjoy by regal prerogative the right of coining. He died in September, 1544.

Besides the Archbishop's Mint an ancient Royal Mint existed at York prior to the days of King Athelstan (925–41) which continued to almost recent times. This fact

[1] See "The Archiepiscopal Coins of York," by Cæsar Caine, York, 1908.

is established by the clear and indisputable testimony of the coins that issued from it. We have no definite information where the mint was situated during the Norman or early Plantagenet periods, but it is more than probable that the whole processes of the coinage were exercised in some apartment within the Castle. King Edward I., in the year 1279, covenanted with his principal mint-master, William de Tournemire, that at each provincial mint he should have under him a master of the mint, melters, and assistants; and it was especially agreed that a house convenient for the business of working should be provided by the King. We cannot doubt but that the King performed his part of the contract, and that on this occasion permanent buildings were either erected or appropriated for the purposes of the Royal Mint at York, as at the Royal Mint in the Tower of London.

During the latter years of the reign of Edward I., whilst he was engaged in his warring expeditions against the Scots, large sums of money coined at York were sent to the North for the payment of the soldiers and the maintenance of the royal household. At later periods other consignments were similarly dispatched.

In 1344 it was ordained that coins of gold as well as of silver should be made in York for the ease of the people and the merchants of the North. The year following, Anthony-by-the-Sea was appointed warden and supervisor of the mints of London, York and Canterbury, and in the same year two goldsmiths from Cologne, Sibert de Colonia and John de Colonia and two moneyers from Florence, Lawrence de Florence and Bonache de Florence, were admitted to the freedom of the city of York.

Subsequently, we have clear evidence that the Royal Mint of York stood within the precincts of the Castle. On July 18, 1353, King Edward III. ad-

dressed a royal mandate to the sheriff of Yorkshire stating it to be the King's pleasure that the money struck from gold and silver dies in the Castle of York should be made in the same manner as at the mint in the Tower of London ; and that Henry de Brussels, the master of the Tower Mint, and William Hunt, keeper of the exchanges in the city of York, were authorized to put into repair, and, if necessary, rebuild the houses for the works of the mint in the Castle of York which stood in need of repair ; and requiring the sheriff to assign to the same officers, houses and places within the Castle suitable for the purposes of the mint, and also *quandam donum fortem in eodem castro in quá dictemonete secure custodiri poterunt.*[1]

The York mint was continued in the reigns of Richard III. and Henry IV. and a large coinage was contemplated by the government of Henry V. a short time previous to his death, which coinage was completed by his successor, Henry VI. On February 16, 1423, Bartholomew Seman *alias* Goldbeter, a London goldsmith (master and warden of the King's monies of gold and silver in the Tower of London and the town of Calais), was authorized to coin at York and Bristol. He, subsequently, was sent to York " to coin there the gold and silver of the said country that was not of right weight, and to remain there during the King's pleasure."

Soon after Goldbeter took over his duties as mint-master in the Castle of York he reported to the lords of the council that the houses and buildings *pro factura monete Regis infra castrum Ebor'* were so ruinous and wanted so much repair that they were not fit for the purpose. On April 8, 1423, a writ was issued to William Haryngton, Sheriff of Yorkshire, commanding him to cause the buildings to be sufficiently re-

[1] " Fædera," new ed., vol. iii. part i. p. 261, quoted by Davies in " Notices of the York Mints and Coinages," p. 262.

paired and amended, or if necessary new buildings to be erected, at the discretion of the mint-master.[1] The buildings erected consisted of a dwelling-house for the moneyer and his servants, a melting-house with the requisite furnaces, and a treasury.

By the advice of the King's Council, on July 16 the same year, Thomas Roderham was appointed controller, changer and assayer of the King's money within the Castle of York, at wages to be arranged between him and the Treasurer of England. Thomas Haxey, clerk, treasurer to the Cathedral, was appointed at the same date warden and receiver of the profits arising from the moneys newly ordained to be made at the Castle of York and keeper of the dies ordained for the said moneys, at the usual wages and fees.[2]

Bartholomew Goldbeter, citizen of London, was appointed January 16, 1424, to be master and worker of the mistery of the King's mint within his Castle of York.[3]

Goldbeter died about the year 1431. In his place William Russe, a citizen and jeweller of London, was appointed; and the latter was succeeded by John Paddesley as master of the mint. During the troublous times of the Yorkist and Lancastrian feuds the mint at York was in operation, but few details are recorded. Numismatists have identified coins minted at York for Edward IV., Edward V., Richard III., Henry VII. and Henry VIII. In the reign of Edward

[1] The original compotus with details of the work is printed in "Notices of the York Mints and Coinages," by Robert Davies, F.S.A. To this learned writer we are indebted for several items included in this brief account of the Royal Mint at York.

[2] Cal. Pat. Rolls, 1 Henry VI., part v. p. 131. Haxey died about 1425, and was buried a little to the south of his tomb, a cadaver, in the nave aisle of the Minster.

[3] Cal. Pat. Rolls, 2 Henry VI, part i. p. 169.

VI. contracts for coining were entered into with the mintmasters of York.

Richard Ugdon, who died at York in 1545,[1] appears to have been master of the Royal Mint in the city. He made his will [2] on May 8, 1545, and George Gale, goldsmith, an alderman of York and treasurer of the mint, Richard Lee, assayer, and William Myrfyne, finer, signed the document as witnesses, with Roger Tailiour, goldfiner, who acted as overseer of the same testament; each of which received a bequest from their late master.

In 1546 the mint within the Castle precincts was discontinued and coining was carried on in the recently surrendered Hospital of St. Leonard. A minute of the Privy Council dated May 5, mentions this fact—

"To tharchebishope of York to appoynte some convenyent place in the Palace there for the Mynte if it were possible, or otherwise to appoynte it at St. Leonerdes." [3]

The site of St. Leonard's Hospital, Crown property and an extra-parochial area, surrounded by convenient defensive walls, subsequently became known as Mint Yard, and was designated as such until 1831, when the new street, St. Leonard's Place, was formed from Blake Street to Bootham.

In the first year of the reign of Edward VI. the under-treasurer of the mint, George Gale, received a quantity of plate from the Minster,[4] together with above a thousand ounces of silver at the hands of the masters and keepers of the Corpus Christi Guild, all of which had to be used for coinage purposes. As the Royal Mint was thenceforward dissociated from

[1] He desired to be buried in Holy Trinity Church, Goodramgate.

[2] "Testamenta Ebor.," vol. vi. pp. 226–227 (Surtees Socty.).

[3] "Acts of Privy Council," vol. i. p. 405.

[4] Papers of Archbishop Holgate, *English Histl. Review*, vol. ix. 1894, pp. 545–46.

the Castle we must refrain from giving further particulars of its subsequent history, although they are intensely interesting. At the demise of Edward VI. coining in provincial mints ceased, except for a short period during the troubles of Charles I. and again in the reign of King William III., when the York mint was temporarily in operation.

CHAPTER XIII

CLIFFORD'S TOWER—STRANGE VICISSITUDES

Important architectural memorial—Origin of the name "Clifford's" Tower—Robert Aske and others executed upon the summit, 1537—Sir Roger Clifford's execution, 1322—Spoliation of tower by Robert Redhead, 1596–7—City's appeal to Lord Treasurer Burghley—Correspondence on the subject—Redhead's continued depredations—Tower granted by James I. to Edmund Duffield and John Babington, 1614, copy of grant—Purchased by Francis Darley—Inherited by Edith Darley, who married Robert Moore.

PREVIOUS to the erection of the massive wall which now surrounds the Castle precincts, Clifford's Tower and its noble grassy mound, when seen from St. George's Field, formed a rare and picturesque view. The tower, one of York's most important architectural memorials, has been many times threatened with demolition, but fortunately the protests of citizens and others, from time to time, saved the historic keep from destruction. Its strange vicissitudes, the manner in which it was alienated from the Crown by King James I. in 1614, and its subsequent possession by many owners, form a romantic chapter of great interest.

Hitherto no reliable evidence has been adduced to show how or at what period the name Clifford became associated with the tower. Drake, without any documentary proof and regardless of historic facts, writes

thus in his "Eboracum" [1]: "Adjoining to the Castle is an high mount, thrown up by prodigious labour, on which stands a tower of somewhat a round form, called Clifford's Tower. This place has long borne that name, and if we may believe tradition, ever since it was built by the Conqueror; [2] one of that family being made the first governor of it."

Our learned author was led to express this opinion as to the origin of the name "Clifford's" Tower from what he had read in Sir Thomas Widdrington's manuscript history of York, entitled "Analecta Eboracensia," and all subsequent writers have taken Drake's assertion as authoritative and correct. Widdrington's words were, "probably it hath derived the name because the Lord Clifford was Castellan, Warden, or Keeper of it, as Walter Strickland, of Boynton, Esquire, a good antiquary, was of opinion." [3]

In a close examination of State papers we find the keep invariably designated the King's Tower, or Turris. The theory that a Clifford was its earliest governor is mere fiction. The first mention of a member of this family being a sheriff of Yorkshire was in 1522, during the reign of Henry VIII. when Henry Clifford held that important office.

At the suppression of the Pilgrimage of Grace in 1537, we learn from a letter written to Thomas Cromwell, Vicar-General, by Thomas Howard, Duke of Norfolk, the Earl Marshall, and King Henry's Lieutenant in the North, that Robert Aske was executed upon the summit of the tower. The letter is dated (Tuesday) July 3, and reads: "Also my lord I perceive by the schedule in the box that you sent me a writ for the sheriffs of the city of York to see execution done. The writ was for Lincolnshire and not for

[1] P. 289.

[2] Tower erected during the years 1245–59, see p. 34.

[3] See "Analecta Eboracensia" (published 1897), p. 264.

Yorkshire, so I have returned it to my lord of Suffolk who has the other. Please send me a new writ to the sheriff of Yorkshire, and not the sheriffs of the city of York; for execution shall be done on the height of the Castle dungeon where the sheriffs of the city have no authority. Let it be with me at York on Wednesday or Thursday week at furthest." [1]

From a communication directed by Sir Thomas Wyatt to Cromwell dated July 8, another reference is made to Aske's execution: "The traitors have been executed, Lord Darcy at Tower Hill and Lord Hussey at Lincoln, Aske hanged upon the dungeon of York Castle, Sir Robert Constable hanged at Hull, and the rest at Thyfbourne; so that all the cankered hearts are weeded away." [2]

From the foregoing it appears that it was the custom to hang traitors upon the summit of the keep at York. After the battle of Boroughbridge, fought March 16, 1322, the defeated leaders of the insurrection were brought to York and executed. Sir Roger Clifford, together with Sir John Mowbray and Sir Jocelyn D'Eyville, suffered March 23. They were hanged and their bodies continued suspended by iron chains on the gallows for years. The Cliffords do not appear to have had any official connexion with York Castle or the Tower previous to the seventeenth century. It is very probable that Roger Clifford's remains were suspended on the tower,[3] and although for many subsequent years the keep was officially known as the King's Tower, vernacularly it may have been spoken of as Clifford's Tower, and ultimately appearing by that title in State records. The earliest authentic

[1] Cal. State Papers, 1537, part ii. p. 87.

[2] Ibid., p. 96.

[3] "Ed dominus Rogerus de Clifforde vulneratus, ductus apud Eboracum, et cito post ibidem detractus et suspensus" ("Chronicles of Edward I. and II.," vol. i. p. 302).

mention of the keep as Clifford's Tower, we believe, is evidenced by the following documents.

During the reign of Queen Elizabeth ancient monuments were generally neglected and of little interest, but it is gratifying to find the citizens of York showed a praiseworthy regard for the historic keep. Their indignation was aroused by the acts of vandalism of a notorious gaoler, Robert Redhead, who, observing the State's unconcern with regard to Clifford's Tower, clandestinely demolished and appropriated the stonework to his own use. Early in 1596 the Lord Mayor and Aldermen petitioned the Queen's Councillors, praying that Redhead should be admonished and prevented from further interfering with the tower. The correspondence on the subject is rather voluminous but contains many items of interest.

The Archbishop of York, Matthew Hutton, received a communication from the Lord Treasurer requesting him to have the building inspected and forward a report to London ; this and subsequent letters tell us how the civic authorities had succeeded in inducing Burghley to prohibit the destruction of the tower.

To the Archbishop.

"There is a plain round tower of freestone of an ancient building near the castle called Clifford tower the which at the present serveth to no use, and that Robt. Redhead gaoler of the castle hath begun to pull down some part thereof already & burneth it for lime to his own use & so intendeth to do the rest thereof for that it seemeth it may be turned to some good use, for the beautifying of the city & profit & benefit of the inhabitants by making it a place for the keeping of the records of the city. I therefore pray your grace to cause it to be viewed and to certify unto me to what good use it may be best employed & so continued whereupon direction may be given accordingly

and in the meantime I pray you let Redhead be charged that he proceed no further in pulling down any more of it, being rather to account that which he hath done as done without warrant, and so I bid your grace very heartily farewell from my house at Weston.

" xix *June* 1596.[1] BURGHLEY."

A few days later the arch-destroyer was ordered to discontinue his depredations.

" *To my loving friend Mr. Robert Redhead, Gaoler of the Castle of York.*

" After my hearty commendation that you of late have plucked down a wall of the same castle called a flanker, and also a peice of the high tower called Clifford Tower, intending the pulling down the rest of the same the which being one of the ornaments of the city which will be a great defacing of the city, these are to require and charge you (albeit you have warrant for the maintenance, of your doing which I think you have not), to forbear to meddle any more with the pulling down of any part or parcel of that tower until you shall receive further order from my Lord Treasurer or myself as you will answer the contrary. So fair you well at the Wardrobe the xxiiiith of June 1596.

" Your loving friend,

" JOHN FORTESCUE."

The tower was duly viewed and inspected, and the finding of the surveyors is rather curious reading.

" *Certificate* made to my Lord Archbishop by Ralph Westrop, serjeant-at-arms, Chris. Davill, Wm. Morehouse, and Robert Blackletter of their view of Clifford Tower which his grace did appoint these to view by letters to his grace from My Lord Treasurer, viii July, 1596.

[1] York Corporation Minutes, 33 Eliz .xxx. f. 289.

"In most humble manner may it please your grace to be advertised that according to your grace's command we have viewed the round tower of Freestone called Clifford Tower and called some of the Aldermen of the City of York, and Robt. Redhead, now gaoler of the Castle to show their reasons for the most necessary use for the standing and employment of the said tower, wherein we found the Aldermen in the behalf of all the Citizens very desirous to have the same to continue and not to be defaced, for that standing upon a great height upon a very rare mount it is an exceeding ornament and beautifying to the City, and the same Redhead not showing himself disagreeing to their requests so as it might be employed and repaired for a gaol for keeping of some prisoners that might be for weighty causes committed to his charge, being a place of great strength, from which his motion the Citizens did not dissent so as it might continue and not be pulled down, and for our opinions under your grace's information we think for the reasons before by the Aldermen alleged also for that it is her Majesty's house the Citizens their desire is very reasonable, and do well discern that the defacing and pulling down of the tower will be a great discontent to all the City of York which we refer to your Grace's further consideration." [1]

Redhead continued his spoliation, and another missive was addressed by the civic authorities to Lord Burghley, the Lord Treasurer, and Sir John Fortescue, the Chancellor of the Exchequer. The communication contains important allusions to the gaoler's previous acts of demolition, from which we obtain a knowledge of the existence of a stone bridge between the tower and the Castle yard. An outwork or flanker

[1] York Corporation Minutes. See also Cal. State Papers, 1595–97, p. 261.

is also mentioned, which the sordid gaoler destroyed, selling the stones and pocketing the proceeds.

" To Lord Burghley and Sir John Fortescue.

" In most humble wise (we) show unto your honour that whereas in Trinity Term last we did inform your honour that Robert Redhead, Gent. gaoler of York Castle, having the herbage of a mount of Her Majesty's lying betwixt the said Castle and the City, within the circuit of the City's walls, upon the top of which mount a Tower of Her Majesty's of free-stone, of antient building, called Clifford Tower, doth stand, had pulled down some part of the said tower, and did intend the pulling down of the rest, and the stones thereof to take or beat into pieces and burn into Lime for his own use, and he had then done a great part of a flanker of free-stone built under the Castle side by some of Her Majesty's noble progenitors, which tower, as it seemeth, was at the first built for the defence of this City, but now is the most especial ornament for show & beautifying of this City, as well within this City as far into the Country, that is within or near unto the same, York Minster only excepted, and would be a great defacing to the show and beauty of this City if the same should be pulled down ; It pleased your honour at our humble suit to direct your letters to the Most Reverend father in God my Lord Archbishop of York his Grace to cause the same tower to be viewed & to certify to what good use the same might best (be) employed & so continued, And that Mr. Redhead might be charged not to proceed any further in pulling down thereof, which his grace did accomplish, & as we think did certify that the same is an especial ornament for the beautifying of this City, and being pulled down will be a great defacing to the same, or to that effect. Notwithstanding Mr.

Redhead still intending, as we think, the pulling down the same, hath since got a Commission for the viewing of the said tower again to certain of his especial friends, for what purpose we cannot learn, but, as we fear, to the end to obtain licence to pull down the same, which not only we but the whole commons of this City, in regard that the same by the show, building & height thereof, doth so adorn & beautify this City, would be very sorry to have pulled down; And we are very well assured that if Mr. Redhead shall have warrant to pull down the same, he will sell the most part of the stone thereof or beat the same into pieces & burn into lime for his own private gain, as he hath done with the said flanker, what pretence or show of making other buildings or otherwise soever he now maketh; Our humble suit therefore for ourselves & the whole commons of this City to your honour is that it may please the same to take order that the same tower may stand and not be defaced nor pulled downe, And that if any Information of Certificate be that the same is ruinous or will be chargable to Her Majestye keeping up, rather than the same be pulled down, this whole Corporation, if it may please Her Majesty to grant the same, and the Mount whereon the same standeth, unto us, will be at charges ourselves with the keeping up of the same; Or, if it shall be Her Majesty's pleasure that the same shall be pulled down, we most humbly pray that it would please your honour that this City may have the stone thereof to be kept and employed for this City's use, for the repairing of the Walls of this City & of our great stone bridge, in and about the same, when need shall so require. But we and the whole commons of this City would be very sorry that the same should be pulled down. And your Orators, as they are most especially bounden, shall daily pray to God for the good and prosperous estate of your Honour long to continue

and endure with much increase of honour. York, this 21st of October, 1596.

"Your Honour's humble to command—

"James Birkbie, *Mayor.*
"Thomas Harrison
"Andrew Trewe
"Robert Askwith
"Ralph Richardson
"William Robinson
"Thomas Mosley
"Robert Broke."

To support and strengthen their cause, and obtain an influential advocate at Court, the Corporation on the same day directed a letter to the Earl of Cumberland.

"*To the Right Honourable and there very good Lord the Earl of Cumberland give this.*

"Our humble duties unto your honourable Lordship remembered. May it please the same to understand that whereas there is a Round tower of free stone used as part of York Castle belonging to the Queen's Majesty, built long before time of memory upon the top of a high Mount made for that purpose, standing betwixt this City and York Castle, within the walls of this City, called Clifford's Tower, which by reason of the name was in former time, as we are verily persuaded, builded by some of your honour's ancestors, as it seemeth, for the defence of this City, and the same is now one of the antientest buildings for beautifying this City by show, both within the same and into the country, that is now left standing about this City (our Minster excepted). Now one Robert Redhead, your Gaoler of York Castle, having the herbage of the said Mount, pretending to make some needless

building in York Castle, under colour thereof and by reason the said tower hath not of long time been employed for any needful use, saving only show, goeth about to obtain licence to pull down and deface the said tower, and hath of late got a Commission to certain of his friends, for what purpose certain we cannot perfectly learn, but, as we hear, to view the same and to certify of the decay thereof, being indeed one part thereof riven by reason that the groundwork in that part where a stonebridge to the same stood is something shrunk, but the residue thereof standeth very firm, which licence if he should obtain he would, as we think, use some part of the stone thereof in some building in York Castle to colour his pretence withall, but the greatest part of the stone thereof he would sell in stone or beat into pieces and burn into lime for his own benefit, which, if he should do, would greatly deface the beauty of this City. Our humble suit therefore to your honour is, that it would please the same to be a suitor for us, if it may so stand, with your honour's good liking, unto my Lord Treasurer or otherwise as to your honour may seem convenient, that the same tower may still stand and not be pulled down nor defaced, wherein we ourselves and the whole body of this City shall not (only) be greatly beholden to your honour but also shall be duly bounden daily to pray to God for the good estate and happy success of your honourable Lordship long to continue, as knoweth the Almighty, to whose most merciful protection we do most humbly commit the same. York, this 21st October, 1596."

Notwithstanding popular expressions of disapproval, and injunctions from Crown Officials, Redhead arrogantly continued to deface the tower. On December 7, 1597, Mr. Francis Bayne informed the Lord Mayor and his brethren that "he saw two men yesterday

morning on the top of Clifford's Tower casting and pulling down stones off the tower, and other two tumbling the same down the hill to Mr. Redhead's workmen at his new Cockpit."

It was immediately agreed " that my Lord Mayor and Aldermen, presently after the sermon this day (Wednesday) at the Minster, shall show my Lord's Grace and the Council [1] thereof." They there presented a petition to the Archbishop and the Council, stating all that had passed previously, and the recent acts of Redhead. They requested his Grace to cause the tower and loose stones to be again viewed, and order Redhead not to deal any more with the tower or stones, and to render an account of what he had done, adding : " as otherwise we fear that by little and little he will either deface or pull down the tower, or use such means by pulling or picking the stones forth of the inside of the same, or by undermining of the same tower with conies, or other policies, as that the tower will in short time of itself, by his deceitful devices, fall down, which, if so be, will be to the great defacing of this City." [2]

It is pleasing to know that this interference and protests of the Corporation of that day, must have been so far successful. Unfortunately, the parts thrown down already by Redhead were considerable. Besides the bridge and flanker mentioned, the battlemented parapet of the keep—which would be about 6 feet higher than the platform—and three embattled watch turrets, it is presumed, were at this period demolished, irretrievably ruined and for ever lost.

In less than twenty years afterwards, the City's desire to possess the tower as a county monument had evidently been forgotten. Queen Elizabeth's successor, King James I., was often in pecuniary difficulties ; he adopted various means to meet his creditors, and

[1] Council of the North. [2] York Corporation Minutes.

View of the Castle and Mound, 1703.

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occasionally granted them Crown lands in settlement of their claims. By deed dated January 1614, sealed with the great Seal of England, the Seal of the County Palatine of Lancaster, and the Seal of the Duchy of Lancaster, the King granted Clifford's Tower to Edmund Duffield and John Babington, of London, to hold in common socage of the Manor of East Greenwich, at the yearly rent of four pence. The conveyance or grant is a remarkable document and very comprehensive in the detailing of rights and privileges pertaining to the site.

"**The King to All Men Greeting.** Know ye that we for divers good causes and considerations specially moved at the present of our special grace and from certain knowledge and pure motive have given and granted to our well-beloved and by these presents on behalf of our heirs and successors we give and grant to Edmund Duffield and John Babington esquires their heirs and assigns for ever all that our piece of land situate lying and existing in our City of York called Clifford's Tower containing by estimation three acres more or less of an annual rent of four pence **Which** all and singular premises in our City of York are in our possession by right of our Crown of England. **We** have also given and granted and by these presents to the aforesaid Edmund Duffield and John Babington the all and singular messuages houses buildings structures granary stable dovecote garden orchard garden toft lands pertaining cottages and curtilages meadows pastures with the grass lands accompanying . . . glebe waste land gorse heather moorland marsh back approach (*atria backsides*) entrance and exit roads paths easement brushwood undergrowth falling wood copses and our trees whatsoever **And** the whole land earth and soil of the same thickets underwood and copses and whatsoever tithes may be thence collected

of sheaves corn and grass and of wool flax and hemp and all other tenths whatsoever greater and lesser (*aquellorum*) moreover gains profits fruits weirs river banks streams rivers ponds vivarium dams floodgates waters watercourses aquaducts tolls ferryage and passage on the waters fishing fishing men fowlers right of hunting right of folding and turving free warren all other revenues and service which were customary due to those holding the property . . . the aforesaid Edmund Duffield and John Babington to pay of legal English money at our Exchequer at Westminster or into the hands of the bailiffs or receivers for the time being on the feast of the Annunciation of Blessed Mary the Virgin (Lady Day) and St. Michael the Archangel (Michaelmas) equal portions annually for ever."

The dual owners of the tower, Babington and Duffield, not being local residents, very soon disposed [1] of the property. By deed, dated 29th November in the 13th year of King James I. they granted and conveyed Tower Hill and its appurtenances to Francis Darley,[2] at whose decease it passed by inheritance to Edith his only daughter, who married Robert Moore, merchant, of Hull.

[1] On February 17, 1615, they also disposed of lands, tithes, rectories, etc., in Northamptonshire (Cal. State Papers, 1611–18, p. 274).

[2] Francis Darley, on behalf of the Crown, was bailiff of St. Mary's, York, and on April 30, 1609, he petitioned Sir Robert Cecil, Secretary of State, praying that he may enjoy the office without annoyance from Henry Mason, deputy of the former bailiff (State Papers, No. 95, vol. xliv.).

CHAPTER XIV

CLIFFORD'S TOWER—STRANGE VICISSITUDES (*continued*)

The tower appropriated by the Royalists, 1643—Civil War episodes—Thomas Dickinson, Lord Mayor, appointed Governor, 1647—Cromwell's visit, salute from the tower—Particulars of garrison—Governor Dickinson petitions the Government, 1656—House by the tower sold by Commonalty of York, to Robert Straker and Edward Nightingale, 1657; resold to Audry Bayocke, 1658—Mortgage money to be paid at a tomb in the Minster—Tower house purchased by Richard Sowray, 1671—Henry Cholmeley, Knight, claims Clifford's Tower, 1660—Charles II. garrisons it—Robert Moore sells the tower, 1662—Sir Hy. Thompson becomes the owner—Lord Frescheville's and Sir John Reresby's governorships—Tower burnt out, 1684—Lady Thompson conveys the tower to Richard Sowray, senior, 1699—Inherited by his son, Doctor Sowray, who bequeaths it in 1709 to his wife for life—Reversion to Richard Denton.

AFTER the troublous and unsettled time of the Civil War many Royalists were dispossessed of their property; and it would appear that the owners of Clifford's Tower suffered in the same manner as many of their loyal contemporaries. In times of war, by a law sanctioned by custom, desirable sites have always been seized and appropriated by military authorities, and Clifford's Tower, a disused fortification, again played an important part.

The Royalists first took possession of the keep in 1643 and converted it into a position of strength. They restored, strengthened and garrisoned it; and

Clifford's Tower and Mound, 1644.

Col. Sir Francis Cobb became its governor. Towards the end of April 1644 the city was beleaguered by the Parliamentarians, and in the bombardment their projectiles shattered the tower forebuilding or gate-house. Upon the platform of the keep the Royalist garrison placed two demi-culverins and a saker, and it is recorded that "David Guillome, a loyal citizen, the cannoneer's mate," traversed a gun with precision, and fired it, causing great havoc amongst the Parliamentarians assembled upon Heslington Hill.

As Prince Rupert was marching to the relief of York, during the nights of anxious watch, the besieged flashed fire-signals from the summit of the tower; and return signals of encouragement glared from the blazing cressets upon the turrets of Pontefract Castle. By the end of June the siege was raised for a few days, and the strenuous and memorable fight on Marston Heath, July 2, brought victory to the allied armies, to whom a fortnight later the city was surrendered. The Parliamentarians on entering took possession of the tower and garrisoned it as a fortress. According to a resolution of the House of Commons, dated February 26, 1646, it was "Ordered that Clifford's Tower be kept a garrison with three score foot in it." On June 17, 1647, the troops stationed in the city were withdrawn, and it was "ordered by the Lords and Commons" that "Col. Genl. Poyntz, as he did formerly command the garrison of York, so now he shall command Clifford's Tower." [1] The appointment was again before Parliament, July 14, 1647, and Thomas Dickinson, the Lord Mayor of York, was constituted governor of the tower.[2]

The Committee of the City of York and the County of Yorkshire for the Safety and Defence of the Same, on February 1, 1648, "Ordered that the several con-

[1] Cal. State Papers, 1645–47, p. 563.
[2] Ibid., 1655–56, p. 389.

stables within the City do provide convenient lodgings, fire, and candle for the soldiers of Clifford's Tower or else six pence a week to every soldier to provide himself, and every constable to pay or provide for the same number of soldiers as they did about six weeks ago." [1]

At the deliberations of the Council of State, December 3, 1649, it was decided that " the Lord Mayor of York, the Governor of Clifford's Tower, and the Sheriff of the County do consider how the Castle of York and Clifford's Tower may be made so independent one of the other, that the prisoners may be kept safe in the Castle." [2]

Cromwell passed through York on July 4, 1650, on an expedition against the Scots, and as a compliment to his " excellency," the artillery on the tower were discharged in the semblance of a royal salute.

The tower was used as an armoury by the government of the Commonwealth, and on August 7, 1650,[3] Lieut.-Col. Salmon, Deputy Governor of Hull, informed the Commissioners for Martial Affairs that there were 3,000 unfixed muskets in Clifford's Tower and divers unserviceable pieces of ordnance in the Castle yard and at the several ports (gates) of York. The muskets were subsequently sent to Hull and the ordnance to the Tower, London, to be recast. Governor Dickinson, who petitioned the Council of State early in 1651, on some subject relating to his duties, is styled Captain. It was decided October 3, 1651, as " the House does not agree with the reducement of Clifford's Tower as in the report . . . that the old establishment of £7 18*s.* 8*d.* per month stand, and that the garrison be supplied out of the army." [4]

[1] " Booke of all the Orders made, etc., by the Committee " (York Corporation Records, vol. 63, p. 105).

[2] Cal. State Papers, 1649–50, p. 422.

[3] Ibid., 1651, p. 48. [4] Ibid., p. 464.

From warrants issued by the Council of State for the payment of money, we learn that the tower had been repaired. John Rogers, Mayor of Hull, received a request dated October 30, 1652, to pay "for materials and work in repairing Clifford's Tower at York, and the fortifications of Hull, etc., according to warrants from Col. Robert Overton, Lieut. Col. Edward Salmon and Major Ralph Waterhouse, £600." Col. Salmon did not receive his money punctually, as he petitioned the Council of State the following year for payment for the work he had effected.

During the last few years of the Cromwellian Protectorate the national treasury was almost empty, and the populace were uneasy and clamouring for a change of government. Sir Thomas Dickinson, the governor of Clifford's Tower, like many other State officials, had not received his salary. Sir Thomas petitioned the Protector and Council June 26, 1656, for payment of his arrears and losses out of his discoveries in the county and city of York. He laments that he had all his estate plundered by the late King's party, and his lands seized by the Earl of Newcastle, and given to Genl. King; his houses in the city and county possessed two years; his rents and goods, value £2,000, taken; and he, to secure himself, was forced to live at great charge in Hull. He goes on to say he received no reparation from Parliament, though an Ordinance was passed by the House to satisfy such persons. Incidentally, he remarks that he was appointed by Parliament July 14, 1647, governor of Clifford's Tower, but his pay is four years and four months in arrear, amounting to £1,222 14*s.* 11*d.*

When the tide turned and Charles II. ascended the throne, many of Cromwell's supporters were fined and imprisoned. The fate of Sir Thomas Dickinson is unknown, but we learn from a letter written by Lord Fauconberg to the Duke of Albemarle, January 18,

1662,[1] that Fauconberg had ordered four gentlemen to seize and convey Thomas Dickinson and others to York Castle.

We hear again of the Tower garrison in 1658; on May 22,[2] the Admiralty Commissioners ordered Capt. Geo. Westby's company at Hull and Clifford's Tower to be placed as a company of Col. Salmon's regiment. Lieut. Gervase Harestaffe was given the command of the Tower garrison.

The whereabouts, during the unsettled period of the interregnum, of the rightful owners of the tower and the dwelling-house adjoining, is uncertain. The government held the tower, and the mayor and commonalty appear to have been in possession of the house and its grounds—the site of which is now within the boundary of the Castle. During the second mayoralty of Thomas Dickinson, whom Cromwell dubbed a knight for his local partisanship, the commonalty sold and conveyed the property to Robert Straker,[3] draper, and Edward Nightingale,[4] grocer, two tradesmen of York, the purchase money being £225. The deed[5] is dated July 9, 1657, and the site is described as—

"All that messuage or tenement and one garden or piece of ground on the backside thereof as the same is now inclosed with a brick wall on each side abuttinge on the Tower Ditch at the fare end with the appurtenances belonging to the said messuage situate, standinge and beinge in Castlegate within the said

[1] Cal. State Papers, 1663–64, p. 16.

[2] Ibid., 1658–59, p. 28.

[3] Robert Straker, draper, free 1651, Chamberlain of the city, 1655.

[4] Edward Nightingale, grocer, free 1652, Chamberlain 1654.

[5] The deeds and conveyances relating to the Tower are in the custody of Mr. Frederick J. Munby, as Castellan, and Clerk to the County Committee of Yorkshire.

Citty of Yorke at the corner end of the lane there leading from the said streete of Castlegate toward the Castle Milnes, laite in the tenure or occupation of Thomas Simpson, merchant, and now in the tenure or occupation of the said Maior and Commonaltie."

Before twelve months had elapsed the house and garden, " together with all wayes, waters, easements," etc. were re-sold for £235. Straker and Nightingale by deed May 10, 1658, transferred the ownership to Authery Bayocke of the Castle of York, widow of Thomas Bayocke, and Matthew Bayocke[1] her son.

Soon after the transaction Mrs. Authery Bayocke became the wife of John Nunns, an innholder of York, and they " for and in consideration of the sume of one hundred pounds " paid to them by Samuel Roper of Thornton in the county of York, gentleman, " granted enfeoffed released and confirmed unto Samuel Roper " one full moiety or half part of the messuage and garden, by deed December 27, 1670. The children of Authery Nunns and her late husband, Thomas Bayocke, evidently objected[2] to the sale and conveyance of their mother's half share of the property to Samuel Roper. A Declaration of Trust, therefore, was drawn up bearing the above date, wherein it states the name of Samual Roper " in the said conveyance is only used in trust," and the said writing " is onely intended as a security " to secure the payment of a debt of eighty pounds unto Hannah Roper, spinster of London. It was mutually agreed and arranged that the debt should be paid in four equal instalments commencing on June 21, 1671, all of which payments to be made " att Haxby's als. Haxay's tomb in the Cathedrall

[1] Matthew Bayocke, " chirurgeon," son of Thomas Bayocke, merchant, took up his freedom in 1666; Chamberlain of the city in 1677.

[2] John Nunns is expressly debarred from any title or interest in the property by a deed, June 1, 1671.

and Metropolitcall Church of St. Peters in Yorke."

It was an old custom to pay debts and rents upon the tomb of Thomas Haxby, treasurer to the Cathedral from 1418 to 1424. The monument, a cadaver, is situated in the western aisle of the North Transept behind the walled-up arch. A wasted corpse is represented carved in stone within an iron trellis, which supports a black marble slab.

A fortnight before the first instalment became due the messuage and its appurtenances were purchased by Richard Sowray of York, gentleman, for the sum of £260. An indenture was made June 7, 1671, between Matthew Bayocke, apothecary, Dorothy his wife, and James Bayocke, his brother, conveying the estate to Richard Sowray and his wife Mercy. Sowray paid £94 to Edward Nightingale for the use of Hannah Roper, and to Matthew Bayocke he paid £106, the balance of the purchase money being probably received by Sir Henry Thompson, Knt. Several deeds of release and quit-claim were also drawn up by the various persons interested in the property and handed to Richard Sowray.

In tracing the ownership of Clifford's Tower, the adjoining house and the garden which abutted upon the ditch surrounding the mound, it is rather difficult to explain who were the rightful owners. As possession is nine-tenths of the law, such uncontested enjoyment will no doubt explain the apparent disagreement of documents. After a careful perusal of all the deeds and papers the account here given seems to be a reasonable solution.

As we have already stated, during the interregnum, and afterwards, property was sequestered in a wholesale manner. Many Royalists were ruined; some died broken-hearted and penniless before the Restoration arrived, and others fortunately survived to repossess and enjoy their estates.

What connexion Sir Henry Cholmeley, Knt., had with the Moores has not been ascertained, but he petitioned King Charles II., in 1660, to be allowed to take possession of Clifford's Tower.

"*To the King's Most Excellent Majesty*

"*The Humble Petition of Sir Henry Cholmeley, Knight,*

" Sheweth,

" That your Petitioner having purchased Clifford's Tower in York from one Mr. Moore (whose Ancestor had it granted from the Crown in the twelfth year of King James your Majesty's grandfather), with intention to pull down the same But your Majesty having made Major Scott, Governor thereof and Continuing it a garrison, your Petitioner cannot make his benefit thereof.

"And forasmuch as your Petitioner was encouraged by a letter wich he had the honour to receive from your Majesty out of Flanders, and also by messages from Dr. Barwick the now Dean of Durham to assure such as would assist in your Majesty's restoration that they should not only have pardon but be further partakers of your Majesty's favours, and your Petitioner having assured Barrington Bourchier, Esq. (your Petitioner's nephew) that if he would be active in assisting to restore your Majesty his father's offence[1] should be

[1] Sir John Bourchier, of Beningbrough, near York, the father of Barrington Bourchier, is historically known as one of the Regicides; he was a man of extreme republican opinions, and affixed his name with others to the warrant for the execution of King Charles I. Fortunately his son was amongst those persons who aided Charles II. in regaining the throne, therefore Sir John's offence was not remembered against him. Barrington Bourchier was the great-grandfather of John Bourchier (the last of the Bourchiers, who died in 1759), who built the handsome mansion in Micklegate, York, opposite Holy Trinity Church, now occupied by Messrs. Raimes & Co. (See Davies' "Antiquarian Walks," pp. 145–62).

no prejudice to him, which he so effectually did that the House of Commons taking notice thereof would have bought him off (as your Petitioner humbly conceives) for the fine of one thousand pounds at the most. But he (being thereto advised by your Petitioner) made choice rather to waive the favour of the said House and to cast himself at your Majesty's feet for your Mercy

"The Petitioner therefore humbly prays that your Majesty would be pleased in consideration of the money which he disbursed for Clifford's Tower and of two hundred pounds which he laid out on your House in the New Park[1] near York (of which your Majesty hath granted a lease for forty years to Henry Davey, Esq.), to grant your Petitioner, such fine out of the said Barrington Bourchier's estate as your Majesty shall think fit and to grant him the remainder of his estate without any inquisition.

"And your Petitioner shall ever Pray, etc."

Barrington Bourchier was high sheriff of Yorkshire 1658–59, and was elected by the burgesses of Thirsk to be one of their representatives in the Convention Parliament which assembled April 25, 1660, and voted the restoration of King Charles II. He, with Christopher Topham, Lord Mayor of York, Thomas Lord Fairfax, Thomas Viscount Fauconberg, on February 10, 1660, wrote to the Lord Mayor and Common Council of London expressing their desire for a more constitutional form of government. A similar declaration was presented to General Monk at his quarters at Drapers' Hall, London. The sequel is well known; Prince Charles issued his declaration from Breda, April 14, and on May 29 he publicly entered London as King of England.

On Friday, May 11, Charles II. was proclaimed in

[1] A hunting lodge near Shipton in the Forest of Galtres.

York by the Lord Mayor, who was accompanied by the Aldermen, Sheriffs and the Four and Twenty, all on horseback, robed in their official gowns. The Chamberlains and Common Councilmen in their gowns were on foot attended by a thousand or more citizens in arms. The proclamation was read in the Pavement and on the Minster Steps, amid great rejoicings. The church bells rang a merry peal, the cannons upon Clifford's Tower were discharged, and the garrison there fired many volleys. To commemorate the event the Royal Arms were inserted within a stone panel over the entrance to Clifford's Tower, and the armorial bearings of the Clifford family were placed below them.

In October 1661 Sir Wm. Compton was ordered by Charles II. to take an inventory of all arms in Clifford's Tower, but none had to be removed without further orders.[1] Soon afterwards it was proposed to disband the company stationed in the tower. Col. John Scott, however, who formerly commanded the garrison, petitioned the King, in 1662,[2] praying that he might be retained as commander of Clifford's Tower as he had given £300 for his place in the hope of its re-establishment. Col. Scott was, therefore, continued in his command of the garrison.

The Royalists were now again in power, and many changes took place at York, aldermen and councillors were removed from office, and all objectionable persons both in church and civic positions were repressed.

Reverting to the ownership of Clifford's Tower, Robert Moore and his son Thomas came forward and claimed the property they had lawfully inherited from Francis Darley, to whom Babington and Duffield sold the tower in 1615. The Moores for the sum of £275, paid to them May 15, 1662,[3] conveyed Clifford's

[1] Cal. State Papers, 1661–62, p. 132.
[2] Ibid., 1662, p. 628. [3] See Appendices C and D.

Tower and the dwelling house to three persons, John Scott, of the parish of St. Martin's in the Fields in the county of Middlesex; Henry Thompson, the Lord Mayor of York, a merchant of the parish of St. John at Ousebridge-end in the city of York, and John Loftus, of York, draper.

John Scott and John Loftus subsequently relinquished their title in the Tower, and Sir Henry Thompson, who had been knighted and had bought a country seat at Escrick, became the sole proprietor. To more effectually confirm Sir Henry's ownership and safeguard his title, an indenture[1] was drawn up October 30, 1672, signed and sealed by Robert Moore. The tower still retained its garrison, although four years prior to the sealing of this indenture, Sir Henry had petitioned [2] the government that the soldiers should be removed and he be put into possession.

Lord Frescheville was Governor of York and the tower garrison was under his command. His duties and services are mentioned in various State papers,[3] dating from 1663 until his apparent retirement from the post, May 13, 1671. During Frescheville's term of office, in the year 1665, George Fox, the founder of the Society of Friends, spent two days in the Tower.[4]

[1] See Appendix E. [2] Cal. State Papers, 1668, p. 609.
[3] Ibid., 1666, p. 39; 1667, p. 209; 1671, p. 238.
[4] "Next night we came to York, where the marshal put me into a great chamber, where most of two troops came to see me. One of these troopers, an envious man, hearing that I must be premunired, asked me, what estate I had, and whether it was copyhold or free land? I took no notice of his question, but was moved to declare the word of life to the soldiers, and many of them were very loving. At night the Lord Frecheville, who commanded these horse, came to me, and was very civil and loving. I gave him an account of my imprisonment, and declared many things to him relating to truth. They kept me at York two days, and then the marshal and four or five soldiers were sent to convey me to Scarbro' Castle" ("Journal of George Fox" (1891 ed.), vol. ii. p. 57).

In 1682 Sir John Reresby was appointed governor by Charles II., with five hundred soldiers with which he garrisoned Clifford's Tower, certain guard houses and the city gates. Sir John took up his residence at the Manor House. From his diary, we obtain glimpses of how he took over the office, and other interesting local episodes. He writes[1] June 26—

"I was met upon the road by the High Sheriff of the County and several gentlemen, all the boroughmen of Aldborough, and citizens of York, to the number of near 400. At York there was then but one company of foot, which was drawn out of the town, and the cannon of Clifford's Tower were discharged to receive me."

June 27[2]: "I went to Clifford's Tower, to take possession of it, with the High Sheriff, Sir Michael Wharton, Sir Henry Marwood, and several other gentlemen; which I found in pretty good condition as to repairs and stores (powder only excepted and cannon)."

August 4.[3] "The garrison was much out of order by reason that he who was captain of the foot company there was a man of pleasure, and remiss in either doing duty himself or seeing it done by others. I went upon the guard myself, caused a list of those that mounted the main guard, or that of Clifford's Tower, to be daily brought to me. I took exact care in the locking of the City and Castle gates, and brought matters to an indifferent good pass in a short time."

October 17.[4] "Being at Doncaster with two other deputy-lieutenants, to settle some matters, and to hear complaints relating to the militia, I received a letter

[1] "Memoirs of Sir John Reresby," p. 253.
[2] Ibid., p. 254. [3] Ibid., pp. 257–58.
[4] "Memoirs of Sir John Reresby," p. 262.

from Colonel Legge, Master of the Ordnance, intimating that Sir Christopher Musgrave, Lieutenant of the Ordnance, was ordered to come down to York by the King to take a view of the condition of that garrison, which occasioned my speedy journey to that place. I got thither early the next day, and waiting upon the lieutenant, he took the dimensions and situation of the tower and castle, by the help of a surveyor brought with him to that purpose; took an account of the stores and ammunition in Clifford's Tower; and told me the King intended we should be supplied, and that his Majesty would be at the charge to repair the defects of the tower (especially the parapet, which was too weak), and to bring the river about it."

The presence and dictatorial authority of military governors in York, interfered very much with the prerogative of the Lord Mayors. The citizens naturally resented any curtailing of their ancient rights and privileges, and gradually a spirit of discontent and friction was engendered. Sir John Reresby himself confessed that York was at that time "one of the most factious towns of the kingdom." His governorship was marked by a catastrophe, which the populace hailed as a joyful event. The circumstance is thus related in an old MS. diary of the period—

"About ten o'clock on the night of St. George's Day, April 23, 1684, happened a most dreadful fire within the tower called Clifford's Tower, which consumed to ashes all the interior thereof, leaving standing only the outshell of the walls of the tower, without other harm to the city, save one man slain by the fall of a piece of timber, blown up by the force of the flames, or rather by some powder therein. It was generally thought a wilful act, the soldiers not suffering the citizens to enter till it was too late; and what made it more suspicious was, the gunner had got out all his goods before it was discovered."

Governor Reresby records the event April 26[1]—"I received the unwelcome news by an express from York, that on St. George's Day, when four guns had been fired, the tower was set on fire, and all the inside of it burnt; only the powder and some part of the arms were saved. This happened in the worst conjuncture that could be (my Lord Dartmouth, Master of the Ordnance, being returned, who was no friend to the garrison), to have it reduced. I went to Windsor to acquaint the King with it, who was so kind as to promise me it should continue, or, if not, he would not reduce it till he had provided for me in some kind as beneficial."

The cause of the fire was never correctly ascertained, but the destruction is supposed to have been intentional, and to have proceeded from that jealousy of military control which English citizens so justly entertain, and which the presence of a garrisoned fortress, in times of peace, commanding the city, was so well calculated to excite. It is more than probable that the tower was destroyed by design, a fact not only corroborated by the circumstances just narrated, but also from a decided dislike evinced by the populace to Reresby's stern methods of government. The preceding governor, Lord Frescheville, and his rigorous administration found disfavour in the city, and he lamented that he "found the humour of the people impatient of a stranger."[2]

On various occasions when giving a toast the citizens drank "To the demolition of the Minced Pie," a name they had given the tower in derision and contempt.

The tower was completely gutted by the conflagration in 1684, and reduced to a mere shell. To restore and make it suitable for a garrison again would have been a costly undertaking, therefore Charles II. and

[1] "Memoirs of Sir John Reresby," p. 302.
[2] Cal. State Papers, 1671, p. 238.

his government abandoned the keep, and it ceased to be a military post, after having been appropriated and used as such from the year 1643 to 1684. Sir John Reresby's authority in York became of less importance year by year; he lived to see the landing of William of Orange, and died May 12, 1689, the last governor of York.

The lawful owners of the tower were now permitted to enter into actual possession. Sir Henry Thompson, of Escrick, died in 1683, and his widow, Lady Suzanna Thompson, became possessed of the property under the will of her late husband, made November 23, 1681. She retained the ownership of the tower until January 27, 1699, at which date she sold—to Richard Sowray, the elder, for the sum of £58 15s.—

"All that piece or parcell of ground contayning by estimation three acres (more or less) commonly called Clifford's Tower or Clifford's Tower Hill, together with the Tower thereupon erected and built." [1]

Richard Sowray was already in possession of the dwelling-house and the grounds abutting on Tower Hill ditch. His son Richard Sowray, Bachelor of Physic, and subsequent owner, utilized Tower Hill and the disused keep as ornamental adjuncts to the grounds of the mansion. The mound was terraced and shrubs were planted upon it, and with the water still in the ditch formed a pleasant resort. The accompanying illustration of the house, gardens and tower shows what a desirable property the whole must have been in the more peaceful days of good Queen Anne.

Doctor Richard Sowray inherited the house and tower from his father, and he, like Richard Sowray, senior, was King's Commissioner or Crown Agent for the Northern District. By a romantic coincidence the Doctor married for his second wife Abigail, the daughter of Thomas Dickinson, of Kirby Hall, the

[1] See Appendix F. Copy of Conveyance.

Cromwellian Governor of the Tower.[1] The nuptial ceremony was performed (strange to say on the anniversary day that his father purchased the tower) January 27, 1708, in York Minster. The Doctor only survived his second marriage thirteen months, and died February 27, 1709; he was buried in St. Mary's Church, Castlegate, and a mural tablet on the east wall of the north aisle of the chancel perpetuates his memory.

Near this place,
Lieth Interred the body of
Richard Sowray, of this parish,
Batchelor in Physick, who departed
This life on y^e^. 27 February, $170\frac{8}{9}$,
In the 45th year of his age.
He was twice married,
And Abigail,
His second wife,
Daughter of
Tho. Dickinson,
of Kirby Hall, in the
County of York,
In memory of her most
Dear and loveing Husband
Erected this monument.

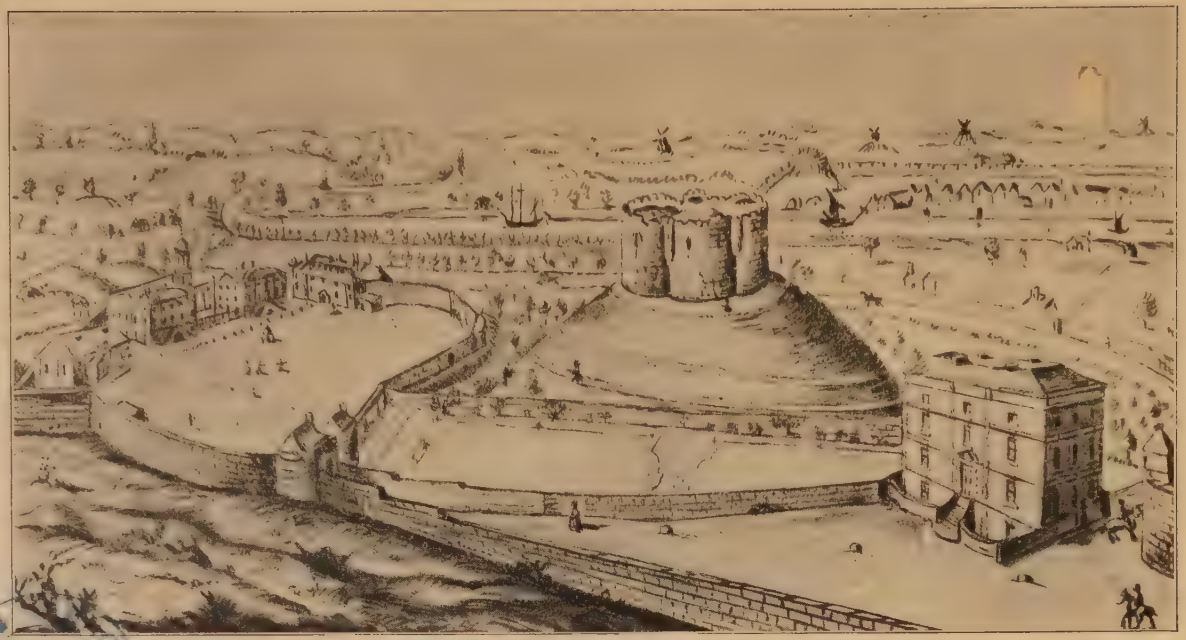
By his will, dated February 17, 1708,[2] Doctor Sowray bequeathed his house and the tower to his wife Abigail for the term of her natural life, with reversion on her decease to his nephew Richard Denton,[3] merchant of York.

After the death of Dr. Sowray, the Court of Exchequer claimed from his executrix some arrears of

[1] Abigail Dickinson was born at Kirby Ouseburn and baptized there in 1665, the year the Thompsons became possessed of Kirby Hall.

[2] See Appendix G.

[3] Richard Denton, the son of John Denton, merchant, free of the city in 1707, a Chamberlain in 1710.



CLIFFORD'S TOWER IN MR. WAUD'S GARDEN, 1820.

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Crown rents. Pleadings in the suit are mentioned in papers at the Record Office, London, and Abigail Sowray's depositions are preserved there; the last Chancery Order in the matter is dated July 1726.

The following curious description of the Tower appears in "The Northern Atalantis; or York Spy," written by Dr. William King in 1710, and published by "A. Baldwin, near the Oxford Arms in Warwick Lane, 1713."

"Not far from the Castle (with which it has Communication by a Draw-Bridge) is the Famous Round Tower, seated upon a Hill, which by Art and Nature excels most in England, and thro' by an unfortunate Fire in the late Reign, it was render'd an unfit Receptacle for Swords-men, yet, said my Friend, the Noble uniform Figure of this Hill, and the Shell of the Building upon't was an Honour and an Ornament to the City, till an old Crabbed Humourist, defaced the Mount to enlarge his Gardens, and wou'd not desist prosecuting his Design, tho' it prov'd fatal to two Workmen, who had the misfortune to be employ'd in that unlucky undertaking."

CHAPTER XV

CLIFFORD'S TOWER—STRANGE VICISSITUDES (*concluded*)

Richard Denton mortgages his reversionary rights to Catherine Bower, 1719—Tower purchased by Samuel Waud, senior, 1726—Inherited by Samuel Waud, junior—Bequeathed to Samuel Wilkes Waud, 1797—Tenants of Tower House—County Gaol enlarged—Tower threatened with destruction—Sydney Smith's observations, 1824—George Strickland's "Reasons for not pulling down Clifford's Tower"—The keep and adjacent property bought by Committee of Gaol Sessions, 1825—The Government take possession of the tower under the Prisons' Act, 1877—Prison Commissioners covenant to preserve the tower as a National Monument, 1880—Tower restored to the custody of the Yorkshire County Committee, 1902—Restored and foundations underpinned—Observations made during the progress of the work—Conclusion.

THE tenant for life, Mrs. Abigail Sowray, was about fifty-four years of age, and Richard Denton, the prospective owner, wishing to realize his reversionary rights, mortgaged them to Mrs. Catherine Bower, widow, April 13, 1719. The indenture recites that he demised: "All that messuage tenement or burgage house situate and being in Castlegate" with "all that parcell called Clifford's Tower Hill," late in the occupation of Hugh Massey, gentleman, and now in the tenure or occupation of Thomas Maskell, "for the full term of nine hundred years," the mortgagee "paying therefor a peppercorn at the feast of Pentecost only if demanded."

Mrs. Bower disposed of her lien on the house and tower August 12, 1726, for £414, to Samuel Waud,

to whom Denton was indebted. The deed discloses the fact that: "Richard Denton hath lately failed in the world Whereupon a Commission in Bankruptcy has been taken out against him which is at present in Execution"; it further recounts that Mrs. Bower was "unwilling to stand the hazard of so many contingencies" as "it is very precarious how long Abigail Sowray present Tenant for Life of the mortgaged premises may live."

On February 29, 1727, the house and tower were conveyed to the Trustees in Bankruptcy, at which date Thomas Remington was the occupier. The assignees of Denton's effects, however, by indenture March 20, 1727, agreed to the former transfer of the property to Samuel Waud with the proviso that it should be in complete satisfaction of the latter's claim against the estate of Richard Denton.

The property was bequeathed by Samuel Waud,[1] senior, to his son Samuel Waud, with injunctions that the beneficiary should pay to his mother, Katherine Waud, an annuity or rent charge of £50. At the demise of Samuel Waud, in 1707, all his real property passed by disposition[2] to Alice Waud his wife, for life, and after her decease to his son and heir, Samuel Wilkes Waud.

The following advertisement published in a York newspaper, September 14, 1820, gives us some idea of important and desirable property at that period.

"*Family house to let in York.* That excellent family house, with the garden and Clifford's Tower, in Castlegate, York (now tenanted by Mrs. Worsley), to be let furnished and entered upon in October next.

[1] Samuel Waud, senior, made his will January 1, 1747, and appointed Katherine Waud, his wife, sole executrix.

[2] Samuel Waud's will dated November 8, 1793, probate registered at Wakefield, June 5, 1797 (Book D.Y., No. 213, p. 169).

The premises are in good repair, very spacious, genteelly furnished, and well adapted for a family of the first respectability. The delightful situation of the house deservedly renders it one of the most desirable residences in York. There is a three-stalled stable and coach-house attached to the premises.

"Apply to Messrs. Brook and Bulmer, solicitors, York, or on the premises." [1]

It was, indeed, a "delightful situation," next door to the gates of the Castle, from which periodically poor condemned felons were brought out in carts, seated upon their own coffins, to suffer capital punishment at Tyburn, without Micklegate Bar. On these gruesome occasions hundreds of morbid citizens clamoured without the gates whilst waiting to escort the sheriff's melancholy cavalcade as it passed through the crowded streets on its way to the scaffold.

During the closing decades of the eighteenth and the early years of the nineteenth century, the awful condition of our prisons and the wretched state of the poor people immured, were forced upon the consideration of a busy and apathetic public by the earnest philanthropic work of prison reformers. The inadequate accommodation at York was frequently commented upon, and at the Yorkshire Lent Assizes, 1821, the Grand Jury presented the Castle of York for insufficiency. It was eventually decided to enlarge the area of the Castle and erect new prisons. In their deliberations the Committee of Justices appointed by Gaol Sessions, resolved to purchase Samuel Wilkes Waud's house and Clifford's Tower.[2] In thus adding this parcel of land to the Castle the destruction of Clifford's Tower and the mound became imminent.

[1] Lady Grant was the occupier in 1822–23.

[2] In 1824 Mr. Waud excavated the mound, a brief report of which appears in "The Gentleman's Magazine Library," part xiv. pp. 374–75.

The distinguished cleric and celebrated wit, the Rev. Sydney Smith, rector of Foston from 1806 to 1829, was on the Extension Committee, and he issued a pamphlet upon the subject, from which we cull the following honourable comments—

"A great deal has been said about Clifford's Tower, as if the object, in purchasing Mr. Waud's grounds, was to gratify a taste for architectural antiquities, at the expense of the county. As to myself I can safely say that what becomes of Clifford's Tower is to me a subject of the utmost indifference; I attach no importance to its preservation, but I do attach a great importance to the practice of respecting other men's feelings and opinions; and as Clifford's Tower could, with great ease, be turned into a chapel, without any alteration of its outward appearance, I should have been very desirous (had Mr. Waud's grounds been purchased) of combining in this manner the interests of the antiquary and the prison; and this, I apprehend, was the feeling of those gentlemen who wished the prison to be extended in that direction." [1]

Clifford's Tower is unique, as being the one existing tower of its kind, i.e. in plan, etc., in Great Britain, and the only other castle keep resembling it is that of Etampes, in the department of Seine-et-Oise, thirty-one miles from Paris. As the tower is such a rare example of mediæval military architecture, there is some justification for archæologists desiring its preservation. A further treatise was published in this behalf by George Strickland, a Yorkshire gentleman, wherein he says—

"It is an old observation that all persons are apt to despise, or to pass over in neglect, those objects which are habitually presented to them,—and hold

[1] "A Letter to the Committee of Magistrates, of the County of York, appointed to alter and enlarge the County Jail," 1824, p. 21.

in veneration such only as are distant, and with which they are comparatively little acquainted. Upon this principle we must account for the fact of so many of our countrymen travelling to distant regions, and returning home, expressing wonder, astonishment, and delight, at the ruins, the mountains, and valleys, which they have seen,—while they remain ignorant of the merits of their own country, insensible to its beauties, and affecting to despise its remains of antiquity—To such persons I would apply the beautiful and spirited lines of Sir Walter Scott—

> " 'Breathes there a man, with soul so dead,
> Who never to himself hath said,
> This is my own, my native land!
> Whose heart hath ne'er within him burned,
> As home his footsteps he hath turned,
> From wandering on a foreign strand!
> If such there breathe, go, mark him well;
> For him no minstrel raptures swell;
> High though his titles, proud his name,
> Boundless his wealth as wish can claim;
> Despite those titles, power, and pelf,
> The wretch, concentred all in self,
> Living, shall forfeit fair renown,
> And, doubly dying, shall go down
> To the vile dust, from whence he sprung,
> Unwept, unhonoured, and unsung.'

" Such persons can see a thousand charms in every broken arch, and in every ruin near the Tiber, however small the remnant,—while they can find nothing to admire upon the banks of the Thames, or of the Ouse,—while they load with epithets of reproach, and execration, the names of Alaric, the leader of the Goths, and of Genseric, the king of the Vandals, and call their myriads of followers barbarians,—because the one overran Greece, and plundered and destroyed the public buildings and works of art at Athens, and Corinth, and Sparta;—and the other, after taking

Rome, laid waste the city, and reduced to ruins its temples, and its bridges ;—in England, with unsparing hand, would level to the ground our best remains of ancient buildings, which have resisted the destructive effects of time, and for ages been held up to the admiration of all persons of education and taste, to make a foundation to a gaol or a manufactory.

" That Clifford's Tower is an object not unworthy of some share of respect and of care, may perhaps be

Clifford's Tower and Mound, 1911.

made evident by a comparison between it and some of those remains of similar form, which, because they are in Italy, are held sacred, and are preserved from destruction. Of this kind is the Castle of St. Angelo, in Rome (anciently the Mausoleum of Adrian). Of a similar form is the sepulchre of the Plautian family, upon the banks of the Tiverone—and the far-famed tomb of Cecilia Metella. Excepting the first, each of these is greatly inferior in size to Clifford's Tower,

and all inferior in elevation of site, and picturesque beauty." [1]

The tower was saved from destruction, but unfortunately the talus of the mound was cut away, and a retaining wall built around the motte. The newly acquired site was surrounded with a high embattled stone wall, partially screening the grassy mound and the tower from public view, which occasioned at the time of its erection the opprobrious epithet " Sydney Smith's greatest joke."

The details of the purchase of Clifford's Tower and the adjoining mansion and grounds, are set forth in an indenture dated December 13, 1825, between Samuel Wilkes Waud, the vendor, and the following justices, Benjamin Dealtry, Rev. Danson Richardson Currer, George Strickland, on behalf of the County; Thomas Swann, treasurer, and David Russell, clerk to the Court of Gaol Sessions.

The subject of purchase was discussed at a court of Gaol Sessions held in the Castle, April 1, 1824, and again on May 11 of the same year. It was decided to offer £7,000 as the price for the purchase of the property at a Court, September 21, 1825, at which Mr. Waud appeared, but he asked a higher price than the amount suggested by the justices. The dwelling-house on the estate was not the original one referred to in the earliest deeds, but a newer and more commodious mansion erected at a later date. To settle the purchase price a jury was impanelled September 28, according to the provisions of certain Acts of Parliament, to inquire the value of the said premises. The jury by their verdict ascertained the value thereof to be the sum of £8,800, and thereupon Benjamin Dealtry and Danson R. Currer, justices then present, signed an order for the purchase of the premises. The

[1] " Reasons for not Pulling Down Clifford's Tower," by George Strickland, pp. 21–23.

indenture of December 13, 1825, mentions that the property was "Conveyed to David Russell in trust for the purpose of enlarging or rendering more commodious or for the building or rebuilding of the said gaol."

The tower remained the property of the county until the Prisons Act of 1877 came into operation, April 1, 1878, when it, with the gaol, came under Government control and became vested in the Prison Commissioners; a new Board created by the Prisons Act under the direction of the Home Secretary.

By an agreement,[1] April 7, 1880, the Prison Commissioners covenanted to maintain "Clifford's Tower, which is in the nature of a national monument in such manner as to prevent the same and every part thereof being defaced or injured in its character of a national monument."

The Government held the tower until August 1, 1902, when it again passed into the possession of the county and was by indenture invested in the Yorkshire County Committee as representing the newly formed County Councils of the three Ridings. The following is a copy of the written contract—

THE PRISON COMMISSIONERS TO THE YORKSHIRE COUNTY COMMITTEE.

Conveyance of a piece of land and premises known as Clifford's Tower, part of York Prison. Dated August 1, 1902.

This Indenture made the first day of August One thousand nine hundred and two **Between** The Prison Commissioners of the first part The Right Honorable Charles Thomas Ritchie one of His Majesty's Principal Secretaries of State (hereinafter called "the said Secretary of State") of the second part Henry Torrens Anstruther Esquire and Ailwyn Edward Fellowes (com-

[1] See Appendix H. Copy of Agreement.

monly called The Honourable Ailwyn Edward Fellowes) two of the Lords Commissioners of His Majesty's Treasury of the third part and The Yorkshire County Committee of the fourth part **Whereas** the hereditaments hereinafter described and expressed to be hereby conveyed form part of His Majesty's Prison at York being a prison to which the Prison Act of 1877 applies **And Whereas** the Prison Commissioners by direction of the said Secretary of State and with the consent of the Treasury have agreed with the said Yorkshire County Committee for the Conveyance to them in fee simple of the parcel of ground hereinafter described and intended to be hereby conveyed **Now this Indenture witnesseth** that for the purpose of effecting such conveyance The Prison Commissioners by the direction of the said Secretary of State and with the consent of His Majesty's Treasury (testified by the execution of these presents by the parties hereto of the third part) hereby grant and convey unto the Yorkshire County Committee **All** that parcel of ground situate within the Castle of York and surrounded by a stone wall upholding the mound whereon is erected the ancient Tower known as Clifford's Tower which said parcel of ground intended to be hereby conveyed is shewn on the plan drawn in the margin of these presents and is therein colored round with a blue verge line **To hold** the same unto and to the use of the Yorkshire County Committee for ever in fee simple **And** the Yorkshire County Committee hereby covenant wth the Prison Commissioners as follows—

1. **That** no part of the hereditaments hereby conveyed shall at any time be used for any purpose which may tend to interfere with the arrangements made or to be made for the management of the adjoining Prison within York Castle or to destroy the privacy of the prison.

2. That no building or erection of any kind shall be built or placed upon any part of the said hereditaments so as to impede the access of light to any building which now forms or shall hereafter form part of the said Prison or with windows overlooking any part of the Prison buildings or land.

3. That if any person who shall be admitted to any part of the said hereditaments shall attempt to pass therefrom into the prison grounds or enclosure or to communicate with any prisoner or to make any drawing or take any photograph of any part of the prison or of any person or thing therein or shall cause any disturbance or annoyance to any of the officials of the Prison or to any workmen or other person employed about the prison the person making such attempt or causing such disturbance or annoyance shall forthwith be removed from the said premises and the Committee shall not permit such person to have access to the said premises and shall use their best endeavours to prevent such person from having access to the said premises at any time.

4. The Committee shall not admit the general public to the said premises except under regulations as to hours of admittance and otherwise to be previously submitted to and approved by the Prison Commissioners.

5. No special right of access to the said premises shall be given by the Committee to any person until the Committee are satisfied that such right is required for purposes of research or for some other useful object and that such person is not likely to attempt to communicate with any prisoner or to cause any such disturbance or annoyance as aforesaid.

6. It is hereby agreed and declared that the covenants hereinbefore contained shall continue in force only as long as some part of York Castle shall continue to be used as a prison or shall remain vested in the Prison Commissioners.

In witness whereof the said Prison Commissioners and the Yorkshire County Committee have hereunto affixed their respective Corporate Seals and the other parties hereto have hereunto set their hands and seals the day and year first above written.

The Common Seal of the Prison Commissioners was affixed hereto in the presence of
E. G. Clayton,
Secretary.

Signed Sealed and Delivered by His Majesty's Principal Secretary of State for the Home Department in the presence of
J. A. Longley,
Private Secretary
Home Office.

CHARLES T. RITCHIE.

Signed Sealed and Delivered by Henry Torrens Anstruther one of the Lords Commissioners of His Majesty's Treasury in the presence of
G. Bull, Treasury
Messenger

H. T. ANSTRUTHER.

Signed Sealed and Delivered by Ailwyn Edward Fellowes one of the Lords Commissioners of His Majesty's Treasury in the presence of
(——) Hylton

AILWYN E. FELLOWES.

Through the timely efforts of Lord Wenlock, Chairman of the County Committee, the Government were induced to make a grant of £3,000 towards the restoration of the tower. The talus of the mound had been removed upwards of seventy years before and a revetment wall erected to support the motte. In the sixteenth century the stone bridge and approach to the entrance to the keep, together with the piers, were removed, thus leaving the thrust unresisted on that side upon which the gatehouse is erected. The latter and the south-east side of the tower in the course of time showed indications of subsidence. To effectually counteract this settlement it was decided to underpin the foundations. Mr. Basil Mott, an eminent engineer, had charge of the work which was ably carried out by Mr. George Talbot, a contractor who had successfully achieved similar work.

During the operations Messrs. George Benson and H. M. Platnaeur, two local enthusiasts, eagerly watched the excavations on behalf of the Yorkshire Philosophical Society. As their report embodies many items of interest to archæologists generally we venture to quote it extensively—

"Members of this Society, and all others who are interested in the preservation of historical relics, owe a debt of gratitude to Lord Wenlock and other members of the Yorkshire County Committee, who, acting under the advice of Mr. Micklethwaite, induced His Majesty's Government to make a grant for preserving Clifford's Tower before restoring it to the custody of the County of York. The nature of the operations undertaken for this purpose commands our admiration no less than does their object, for the work is thoroughly and effectually done, and it is *concealed*, thus achieving its purpose without in any way offending the eye.

"(1) The general conclusions arrived at as the

result of observation made during the progress of the work, (2) the nature of the work undertaken, (3) a few details respecting observations made and objects discovered.

"(1) GENERAL CONCLUSIONS.—Thes may be very briefly stated. The mound is an *artificial* one; cuttings made in the sides at a distance of 25 feet from the boundary wall towards the centre failed to shew any natural core. A trench 15 feet 6 inches deep was sunk within the keep, and a boring was made 10 feet 6 inches from the bottom of this trench. Both trench and boring, which together went down to within 10 feet of the ground level, revealed nothing but loose made soil. At a depth of 13 feet in this trench and again at 15 feet 6 inches were found remains of timber work that point to the existence of a wooden fortification preceding the existing shell keep and built on a smaller mound. This mound has been increased to its present dimensions with great care and with enormous labour. In order to give the newer mound stability, an outer crust of firmer and more clayey material has been made round the older summit, and lighter material has been placed inside this crater to bring it up to the necessary level. The occurrence of a considerable quantity of charred wood above the lower series of timber remains, indicates that the wooden fortifications have suffered from fire. It would scarcely be rash to assume that it was the first castle of the Conqueror, burnt in the revolt of 1069.[1] The existence of a second layer of timber work seems to show that the fortification thus destroyed was rebuilt in wood.

"The objects found in the course of excavation

[1] It is more probable that the charred remains were those of the wooden tower burnt at the massacre of the Jews in 1190; the year following this disaster the timber keep was rebuilt.

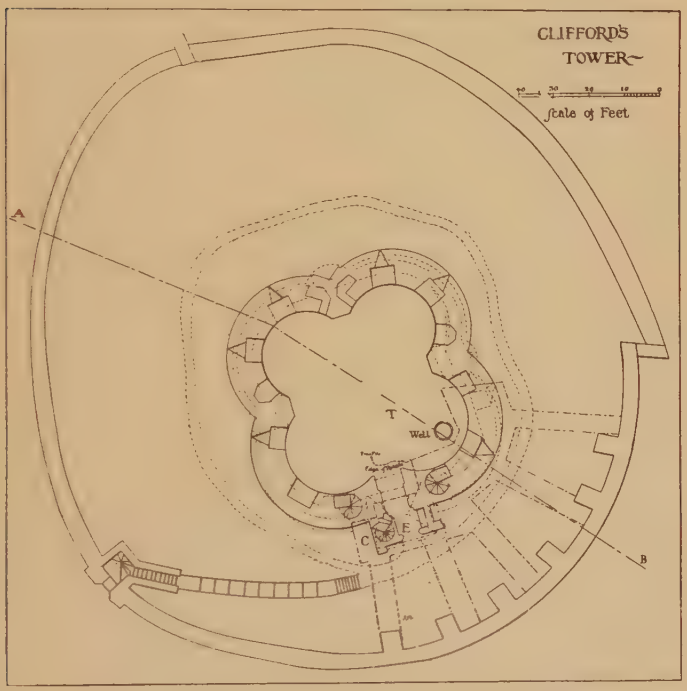
help very little chronologically, for they were scattered confusedly, and most were found in the lateral cuttings. Roman pottery was found in fairly considerable quantity. But this does not necessarily prove that the mound was used by the Romans. The pottery may have been in the soil excavated, and brought up by the Norman builders to enlarge the mound.

"A burial of very primitive type was indeed discovered, the skeleton of a body that had been buried in a crouching position, surrounded by four pieces of rough sandstone and covered by another somewhat larger stone.

"(2) NATURE AND OBJECT OF THE WORK.—The difficulty to be met was the gradual sinking of the gateway and adjoining parts towards the south-east. This may have been caused, and certainly must have been at least accelerated, by the curtailment of the mound about 1826. At this time a nearly circular retaining wall, of massive structure, was built and furnished with internal buttresses, to hold up the mound. The weight gradually thrust the upper stones of this wall outwards. The danger might have been considerably less had the keep been whole, but the disastrous fire and explosion of 1684 had seriously rent the walls ; [1] and the fore part of the keep, no longer bonded to the rest of the building, sank forward as the mound gave way beneath it. Iron ties were used within, and a large wooden raking shore was recently erected, but in spite of all this the settlement continued. Things were in this condition when the Committee entrusted to Mr. Basil Mott the task of securing the mound and keep against further subsidence. Mr. Mott took effectual steps to achieve this. He had the whole of the front part of the keep underpinned with concrete

[1] The great turris of the King's Castle at York was reported in 1358 to have two fissures in it from the foundation to the summit.

to a depth of 6 feet and to 3 feet on each side of the foundation (making a total breadth of 17 feet of concrete), the looser parts of the foundation were grouted in to keep this mass of concrete in place, five huge ribs 6 feet broad and going down to the clay beneath, were cut into the sides of the mound and filled in with



concrete. By these means, the arc of concrete holding up the wall is supported by five flying buttresses of solid concrete resting on the underlying boulder clay and covered by the turf of the mound. It was found that the sinking of the mound was due in part to the loosening of the soil by tree roots, and in great measure to the accumulation of water in the loose

stonework within the mound. The interior of the mound has been drained, and a channel has been made to carry away the water.

"(3) General Observations and Notes on Objects Found.—The rock on which the mound is erected is a solid, reddish clay, overlaid by a bed of lacustrine marl of very variable thickness, apparently deposited by a tidal river in pools. In this marl was discovered a wooden boatstay, evidently of great age, with an iron nail sticking into it. There was no regular order of succession in the various kinds of soil excavated in the sides of the mound. Two trenches were cut in the interior of the keep, in order to trace the origin of some water that escaped into the workings. In these were found 11 feet 6 inches of reddish gravel followed by 2 feet of black clay, then the remains of a 6 inch platform of oak, 2 feet 6 inches of black clayey soil followed, and remains of a similar oak platform were found supported by posts. A boring taken down 14 feet further showed the same black soil. At 3 feet from the base of the retaining wall and 23 feet from its parapet (that is, 4 feet 6 inches below the present level) were found the bones to which reference was made before. They rested on the clay, and apparently represented a cist interment of a rough and primitive character. The walls of the keep go down to a depth of 6 feet, and the foundations, 11 feet wide, rest on a bed of firm puddled clay 1 foot deep.

"A large number of bones was found in every part of the mound. Human bones were abundant, especially in the interior of the keep. Several skulls were discovered, one close to a pointed stake, but all were more or less imperfect. Many of the limb bones were of large size: one femur measured 21 inches (20 inches from the top of the neck below the great trochanter to the fossa between the condyles). Bones of ox,

sheep, and pig were abundant, those of horse, dog and domestic fowl occurred more rarely. Many pieces of deer antler were found, they had been sawn off preparatory to manufacture into combs, skewers, buttons, etc. A few boar tusks also occurred.

"Many pieces of carved magnesian limestone were found in the interior. Amongst them were—a moulded corbel, a splayed and beaded piece of parapet, an arch stone with shallow hollow on splay and stop stone to same, an angle of moulded arch with dog-tooth ornament having a five-pointed one in angle, a small piece with ribbed laurel leaves forming two dog teeth beautifully sculptured, and a defaced springer above cap to arcade with dog-tooth ornament similar to that in the chapel above the entrance.

"Various worked articles in bone and horn were found; a spindle whorl, some discs 1½ inches across and ¼ inch thick and marked with concentric circles (? for merrils or draughts), combs, and a roughly made ring.

"Roman pottery, especially Samian ware, was tolerably abundant, but there was very little mediæval pottery. The bowls of several tobacco pipes were found, of Stuart type, and one bore the stamp of a fleur-de-lis and the letters N. H.; another had the initials T. B. Of leather only a few pieces were found, evidently portions of shoes.

"A number of iron spikes and nails were taken from the timber work alluded to before, an iron cannon ball weighing 17 lb. was found, an arrow head and head of crossbow bolt, iron ring much rusted, a small knife blade, an axe head, a scythe cut down to form a bill or hedger, and two pieces of iron too fragmentary and too much rusted to allow of determination. Of other metal objects there were—a small brass ring, a small brass brooch or fibula (imperfect), a brass ornament (probably from horse trappings), one or two fragments of brass objects, and a leaden ring.

" Very few coins were discovered. A small defaced silver Roman coin, a small copper coin of Constantine's, a well-preserved styca determined by Mr. Heywood to be one of Ædilred (Cœnred, moneyer), and a halfpenny of George III. completes the list, unless we can include under this head some leaden imitations of pennies of William the Conqueror, the purpose of which is unknown.

" Of miscellaneous objects, we may mention—a jet button ; a piece of slate 3 inches long, square in section and tapering to a point, the broad end perforated (? to be used for writing) ; a small piece of ground glass, a fragment of gold lace, and a dermal scute from the skin of a shark.

" Two pieces of broken flint were found, but whether artificially chipped or fractured by natural means could not be determined. One quadrate piece of flint was encountered, which had apparently been prepared for making gun flints.

" Remains of timber work were discovered at four points : at the junction of the fore court with the keep on the west side, and in three short parallel trenches sunk within the keep. From exposure in these, it would seem that a line of timber work, probably forming part of a platform, ran S.W. and N.E. At the first point the timber was found at a depth of 8 feet 6 inches, and consisted of oak slabs, some 5 inches thick ; others 9 inches by 1¾ inches in section. In the trenches, timber planks resting on forked uprights and piles were found. These forked uprights were roughly dressed tree-trunks over 8 feet in length, one was 7 inches, the other 9 inches in diameter. In the trenches nearest the gate remains of a second line of timber work were found apparently running at right angles to the first, but 2 feet 6 inches below it. The excavation did not go deep enough to allow a full exploration of this second level of timber work.

It had a timber bottom, which was sawn through at one point, and against it was piled a line of large loose stones, over 10 feet in breadth and to a height of 6 feet. This may have been put to support the woodwork, and to render it difficult of approach. But as to the real nature of the woodwork, we have no certain evidence. It may even have been a drain. The trench last dealt with also showed traces of a line of timber work parallel to the first (S.W. and N.E.) line, and at the same level." [1]

The plans showing the sectional construction of the mound, and the site of the concrete underpinning, are reproduced by the kind permission of Mr. Basil Mott.

Thus we have seen that this remarkable and picturesque tower, a veteran on the stage of history, has had many narrow escapes, having been burnt, and exposed to the attacks of war and the indiscriminate destruction of utilitarians. Still it stands sedately, its massive walls bidding defiance to age—

> Grey with old Time and with the northern blast,
> And firm remain'd while changing empires pass'd.

The structure appears to have undergone little alteration since its erection nearly seven hundred years ago, except from the loss of the embattled parapet, the restoration of the gatehouse and the gradual wrinkling hand of Time. If not disturbed by man's interference it may remain intact for centuries to come —a truly historic landmark recalling stirring episodes to many generations yet unborn.

The prospect from the summit of Clifford's Tower, quite an altitude in the centre of the level vale of York, is magnificent. The red-tiled houses dwarfed beneath it, as they border the curiously-winding streets and byways of the venerable city, have a quaint and

[1] "Notes on Clifford's Tower," Yorks. Philosophical Society's Report, 1902.

effective charm when viewed from such a height. Here and there an old grey church spire or tower overtops the gabled roofs, and the whole length of the great cathedral forms a rare and beautiful picture. Beyond the encircling city walls the silvery Ouse meanders away until its course is lost in the hazy distance. The diversity and interest of the scene is enhanced by distant green meadows, dark woods, hedgerows and farmsteads ; and the shadowy Wold Hills rise on the eastward horizon to complete the picture as in primeval ages. The distant roads and highways are discernible, and we can easily imagine how the watchmen of old, stationed in the turrets of the tower, eagerly scanned the approach of enemies or friends.

It is a satisfaction to know that the tower is now under the care of the County Committee of Yorkshire as a National Monument. They allow it to be inspected every day, Sundays excepted, under certain modest restrictions. Mr. F. J. Munby, the Clerk to the Committee, a gentleman who takes a keen interest in its preservation, has the immediate control of the historic keep, and is the twentieth-century Castellan.

CHAPTER XVI

COUNTY PRISONS REBUILT—LITERARY NOTICES OF THE CASTLE—SEVENTEENTH AND EIGHTEENTH CENTURIES

Houses of Correction to be provided—State of prison in 1636—Sir Thomas Widdrington's account of the Castle—County Hall rebuilt, 1674—County application to use stones from St. Mary's Abbey, 1701—New Prison completed, 1705—Description of building—Montgomery's rhyme on the prison clock—Little Foss drained, 1731—Daniel Defoe's description of the Castle—New Assize Courts built, 1773–77—New buildings erected, 1780—Tobias Smollet's impressions of the Castle—Roadway to Castle Gates widened—City boundary at the "Five Lions"—John Howard's observations on the prison.

THROUGH the indifference of the varying governments of the two hundred years just reviewed, aided by Time's devouring hand, the Castle walls, towers and prison buildings had fallen ingloriously, by mere neglect and decay, to a condition almost beyond restoration. In succeeding centuries the Castle became of more importance as a county prison. A slight advance and improvement in the treatment and management of criminals was brought about by the exertions of philanthropic men, and more sanitary prison buildings were eventually erected.

In 1597, by an Act of Parliament, Justices of the Peace were required to provide Houses of Correction

in the districts within their jurisdiction, and several were subsequently provided in the larger towns of Yorkshire. Robert Ryther, keeper of the Castle, addressed a petition in 1636 to the King's Council in the following terms—

"The said Castle and gaol being in great decay, two orders have been made by the Justices of Assize, that the Justices of Peace should take order for repair of the same, together with the present erecting of a house of correction. Further, they were required to levy money for building the house of correction, and for a stock to set the poor on work, and for binding poor children apprentices. The Justices of the North Riding have made an order therein, but those of the West and East Ridings have not, according to the order made at the assizes, although the gaol and Castle are so ruinous that petitioner is enforced to watch the same, and yet divers prisoners have escaped since the last assizes; and many who are in gaol for petty offences are likely to starve, while others are very unruly; all which might be helped by erecting a house of correction. Prays the Lords to redress the neglects aforesaid." [1]

Nothing came of this appeal as the civil troubles of the ill-omened reign of Charles I. dislocated the projects of domestic affairs and local improvements. The Royalists appropriated Clifford's Tower in 1643 and they garrisoned it during the 1644 siege of York.[2]

Sir Thomas Widdrington, who was Recorder of York during the reign of Charles I. and the Commonwealth, compiled a history of the city of York,[3] and his notes on the contemporary aspect of the places

[1] Cal. State Papers, 1636, p. 307.
[2] See chapters on Clifford's Tower.
[3] "Analecta Eboracensia," published in 1897, pp. 261–62.

he described are, no doubt, the most valuable portions of his work; of the Castle he says—

"That part of the Castle, which now only remains of the old foundations, was the gatehouse only to the Castle, the proportion of the gates yet showing themselves on the east side towards Fishergate Postern, where the great door is walled up, and where the main building of the Castle was, as is manifest by the walls all over the said garth, if it be tried with spade or hack."

In July 1658 the county of York was presented—i.e. a complaint was laid before the Judges of Assize for inquiry—for not renovating the common prison. The County Hall or Assize Court was rebuilt in 1674–75, costing £650, the cost being apportioned as follows—West Riding £40, North Riding £33 6*s.* 8*d.* and the East Riding £26 13*s.* 4*d.* Ten years later the Nisi Prius Court, being incommodious for councillors, attorneys and others, was altered and improved at a cost of £86.

The inhabitants of the three Ridings were responsible for the common gaol or county prison at York, and in 1700–01, in pursuance of an Act of Parliament passed in the 11th William III., c. 19, wherein justices had enlarged powers granted to build and extend gaols of the county, a tax of 3*d.* in the £ was levied upon all lands in the county to defray the expenses of a new prison. As was the practice in York, the ruins of the dissolved monasteries in the city were extensively used for all kinds of rebuilding—the city walls being frequently restored in this way. The knights, citizens and burgesses serving in Parliament for the county of York and others the Justices of the Peace for the county, petitioned the King begging that they might use the stones about the King's Manor House, which included the ruins of St. Mary's Abbey, for the erection of a new gaol.

"*To the King's Most Excellent Majestie.*

"*The humble peticion of the Knights, Citizens and Burgesses serving in Parliament for the County of York and others the Justices of the Peace of the Same County.*

"Humbly shew

"That the Justices of the Peace being Enabled by a late Act of Parliament to build a County Gaol for the service of your Majesties Sheriffs to the great charge and expence of the Said County.

"And whereas there are severall Buildings belonging to your Majesties Manor House situated in the Citty of York which are become ruinous nothing remaining thereof but walls.

"It is humbly desired they may be impowered by your Majesties Warrant to make use of such ruinous walls as may be serviceable in the building of the said Gaol.

"And your Peticonrs. shall pray, etc." [1]

On March 19 and again on April 8, 1701, a request was made to the Crown Surveyor to hasten his report.

The new prison, an imposing structure, was completed in the year 1705. It has two projecting wings and a clock turret in the centre of the edifice. The right wing of the building was originally occupied by debtors and the governor, with rooms for the under gaoler. In the left wing were the chambers and cells [2] wherein the felons were imprisoned until the more modern prison was built in 1826–35. There were two small apartments for "solitary" imprisonment, and three cells used by those condemned to death; one of the latter rooms was called "Pompey's

[1] Treasury Papers, 1697–1702, p. 473.

[2] The internal arrangements are described in detail by Hargrove in his "History and Description of York," 1818, vol. ii. p. i. p. 232.

THE CASTLE YARD AND THE DEBTORS' PRISON.

Parlour." Originally, in front of the courtyard and the two wings was an iron palisade forming an airing yard for the felons.

A chapel was situated in the left wing. The ascent to it was by an exterior double flight of stone steps, uniform with a similar stairway in front of the right wing. The clock in the turret was made by John Terry, of York, in 1716. At the time of its erection it had only one hand, but in 1854 the present pair of hands were added and a new escapement provided. The clock has recently been thoroughly reconstructed with modern improvements by Mr. Newey, a York horologist. This old clock has done duty nearly two centuries, and many a weary hour has it proclaimed to countless imprisoned debtors and felons, who were confined in the chambers below the clock turret. The hymn-writer and poet, James Montgomery, who was incarcerated in the building in 1796 for an alleged political offence, mentions the clock in his interesting poem entitled "Prison Amusements." The clock was probably out of order, as the poet humorously alludes to it, June 14, 1796, thus—

> "How gaily spins the weather-cock!
> How proudly shines the crazy clock!
> A clock, whose wheels eccentric run,
> More like my head than like the sun!
> And yet it shews us, right or wrong,
> The days are only twelve hours long;
> Though captives often reckon here
> Each day a month, each month a year."

In 1708 some of the ruinous mural towers were taken down, and it is recorded that in 1731 the wet ditch on the west side called the Little Foss was "drained by a small arch turned to throw the water into St. George's Close." [1]

[1] Beckwith's MS., York Cathedral Library.

About this time Daniel Defoe, the author of the inimitable "Robinson Crusoe," visited the Castle and described it as "a Prison the most stately and

complete of any in the whole kingdom, if not in Europe." He was evidently charmed with the wide open bailey, and added further: "the Castle-yard is larger than the Areas of the Fleet or King's Bench in London,

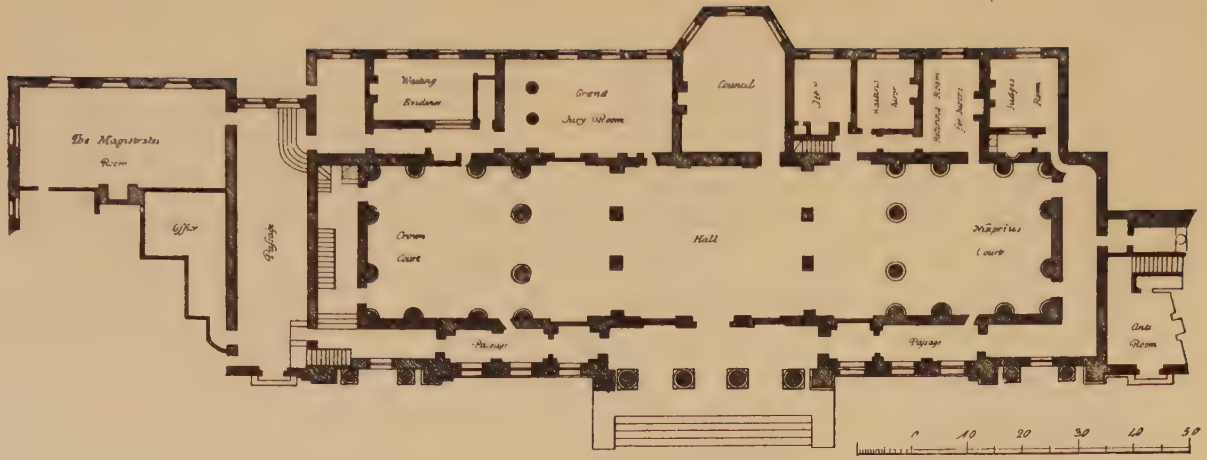
and the Situation is so high, pleasant, and airy, that 'tis surprising that Prisoners should remove themselves by *Habeas Corpus* to either of those Prisons, unless it be with a View of purchasing the Liberty of the Rules, because here they are never permitted to go without the walls. Strangers, who visit the Inside of it, seldom depart without making a trifling Purchase of some of the small Manufactures the Prisoners work up for Subsistence." [1]

The Rev. John Wesley records in his diary, July 19, 1759: "I visited two prisoners in the Castle, which is, I suppose, the most commodious prison in Europe." This worthy divine, imbued with the prejudices of his age, supposed the poor prisoners were well off, although they were crowded in a large but unsanitary building.

A new County Hall containing Crown and Nisi Prius Courts was projected in 1765, commenced in 1773 and completed in 1777, from designs by John Carr,[2] an eminent architect of York. The entrance is approached under a portico of six columns, thirty feet high, over which are placed the royal arms, a statue of Justice and other emblematic figures. Here

[1] "A Tour Thro' the Whole Island of Great Britain," 1748, vol. iii. p. 167.

[2] John Carr was born at Horbury near Wakefield in 1723. He was admitted a Freeman of York as a "stone-cutter" in 1757, subsequently he practised as an architect in the city for fifty years. In 1767 he was one of the Sheriffs of York and Lord Mayor in 1770 and 1785. He died at Askham Hall, February 22, 1807. He designed the following Yorkshire mansions—Kirby Hall, Constable Burton, Aston Hall, Denton Park, Thornes House, Byram Hall, Sand Hutton, Pye Nest, and Kirkleatham Hall; his other important works were the Town Hall and Assembly Rooms, Newark; the County Lunatic Asylum, York; the County Hall and Prison, Lincoln Castle; the Crescent at Buxton; the Town Hall, Chesterfield. See Memoir of John Carr, by Robert Davies, F.S.A., the *Yorks. Archæological Journal*, vol. iv.



Ground Plan of the Courts

PLAN OF THE ASSIZE COURTS.

the assizes for the whole county were held, but only those pertaining to the North and East Ridings are now held in the hall. On May 28, 1864, the Privy Council decided that the whole of the West Riding Assizes, including the Ainsty,[1] be held at Leeds, and August 6 following was appointed for the opening of the commission.

When the York Assize Courts were first built the accommodation was thought to be excellent.

The building on the north-east side of the Castle yard, similar in appearance to that of the Assize Courts on the opposite side of the green, was erected in 1780, to supply several accommodations, which were thought requisite by the county magistrates. Considerable additions were made to it in 1803. It contained offices for the clerk of assize; apartments used for depositing records, and other purposes. This erection has undergone many alterations; it contained chambers and day rooms, and latterly portions of it were appropriated to misdemeanants and female felons. The approach to it is by a flight of five stone steps; leading to four Ionic pillars, supporting a portico.

A short length of the roadway of Castlegate where it neared the Castle gate was widened by the Corporation in 1765, during the mayoralty of Henry Raper. To make this necessary improvement the Lord Mayor and Commonalty, by an indenture dated May 1, 1765, exchanged a plot of ground described as—

"All that court-yard or parcel of ground with the coachhouse, stable and buildings thereupon erected and standing situate and being in the parish of St. Mary Castlegate in the said City of York adjoining Castlegate Lane on the west on a garden belonging to the said Lord Mayor and Commonalty;"

[1] Anciently the Ainsty was attached to the County of the City of York, but in 1835 the district was added to the West Riding, 6 William IV., cap. 76.

for a strip of land defined as—

" All that parcel of ground as the same is now staked out and divided from the garden of him the said Samuel Waud adjoining the street leading to the Castle of York and extending in length from the North East Corner of the area at the front of the said Samuel Waud's Dwelling House towards the Castle of York to the Five Lions one hundred and sixty-seven feet and seven inches and containing in breadth at the Five Lions [1] ten feet at the distance of thirty-two feet from thence north-westwards fourteen feet and from thence sloping off regularly to the north-west end to the breadth of ten feet and four inches."

About the year 1768 Tobias Smollett, the novelist, inspected the Castle and in his work, " The Expedition of Humphrey Clinker," he writes—

" The Castle which was heretofore a fortress, is now converted into a prison, and is the best, in all respects, I ever saw at home or abroad. It stands in a high situation, extremely well ventilated, and has a spacious area within the walls, for the health and convenience of all the prisoners, except those whom it is necessary to secure in close confinement. Even these last have all the comforts that the nature of their situation can admit. Here the assizes are held, in a range of buildings erected for that purpose."

Towards the close of the eighteenth century, the cruelties and sufferings endured in the cells of our gaols were publicly exposed by a few humane individuals who made noble efforts to arouse popular

[1] At a distance of about 77 feet from the Castle gate, towards the city, on each side of the street were fixed in the walls the City Arms (Argent, on a cross gules five lions passant guardant or), at the extent of its liberties. In the year 1660 the Lord Mayor, Christopher Topham, together with several aldermen and a great company of citizens, " Rode the Bounds " of the city on the east side, and caused the City Arms to be set up near the Castle gates.

opinion against the existing methods of criminal treatment. The history of prison science really begins with John Howard, a philanthropist who gave his life and energies to the reformation of the gigantic evils of the gaol system. This large-hearted man with an herculean resolution visited and inspected almost every gaol of importance in England, and on the Continent. He described in detail their noisome dungeons and the debased condition of the filthy and fever-haunted dens of iniquity, in which his fellow-citizens in festering masses were confined. His observations on the gaols of York are worth reprinting at this juncture, as we of the twentieth century have but a faint idea of the thoughtless and inhuman treatment of prisoners, and of the evils that existed in our prisons a little over a hundred years ago.

County Gaol, York Castle.[1]

Gaoler, *Thomas Wharton*, now *William Clayton*.

Salary, none.

	£	s.	d.	
Fees, Debtors	0	8	8	
Felons,	0	9	6	
Admission,	0	3	4	
Transports	10	10	0	each.

Licence, Beer and Wine.

Prisoners,

Allowance, Debtors, certified by their parish
Felons,
} a sixpenny loaf each on Tuesday and Friday (*weight, Nov.*, 1774, 3 *lb.* 2 *oz.*)

Garnish, cancelled in 1774.

[1] "The State of the Prisons in England and Wales," by John Howard, F.R.S. Fourth edition, 1792, pp. 405–07.

CHAPLAINS, Rev. Mr. *Peacock* and Rev. Mr. *Bridges*.
Duty, Mr. *Peacock* Monday, Tuesday, Wednesday, Thursday; and *only from Lady-day to Michaelmas*. Sunday. Mr. *Bridges*, a sermon on Friday.
Salary, Mr. *Peacock* £50 from the county; Mr. *Bridges* £25 from a legacy. Not in the list.
SURGEON, Mr. *Stillingfleet*, now Mr. *Favell*.
Salary, £40 for debtors and felons.

"IN the spacious area is a noble prison for debtors, which does honour to the county. There is an ascent by a fine flight of stone steps to a floor on which are eleven rooms, full 16 feet square, near 12 feet high. Above them is the same number of rooms: one or two of these for commonside debtors.[1] The rooms are airy and healthy. The debtors weave garters, purses, laces, etc. in the passages, as there is no work-room.

On the ground floor are the gaoler's apartments, etc.

"The felon's court is down five steps: it is too small, and has no water; the pump is just on the outside of the palisades. The day room for men is only 24 feet by 8; in it are three cells, in another place nine cells and three in another. The cells are in general about $7\frac{1}{2}$ feet by $6\frac{1}{2}$, and $8\frac{1}{2}$ high; close and dark, having only either a hole over the door about 4 inches by 8, or some perforations in the door of about an inch in diameter, not any of them to the open air but into passages or entries. In most of these cells three prisoners are locked up at night; in winter from fourteen to sixteen hours; straw on the stone floors, no bedsteads. There are four condemned rooms about 7 feet square. A sewer in one of the passages often makes these parts of the gaol very offensive, and I cannot say they are clean. Indeed a clean prison is scarcely ever seen, where the water is to be brought

[1] On January 25, 1774, there were 110 debtors in gaol.

in by the gaoler's servants. The next house to the Castle gate, and others in the neighbourhood, have river-water laid in at a moderate expense, and at my last visit it was brought into the Castle yard, but not into the felon's court. No bath.

"Women felons are kept quite separate: they have two courts, but no water; you go down four steps to their two close rooms, a day and a night room. Their condemned room is in another part of the gaol; near it is a room to confine debtors who do not behave well.

"The infirmary near the gate is only one middle-sized room. When prisoners of one sex are there, those of the other are excluded; at one of my visits a sick man was kept out for that reason.

"At assize some prisoners appear in court on their trial in the county clothing. The county pays Mr. John Sherwood £21 a year to inspect and weigh the bread, and deliver it to the prisoners. He constantly attends for this purpose on Tuesday and Friday. The gaoler is a sheriff's officer. Transports convicted at quarter sessions had, besides the bread allowance, one shilling a week. Those cast at assize had the King's allowance of 2*s.* 6*d.* a week.

"The grand shire-hall in the Castle yard is now finished. May it not be hoped the gentlemen of this great county will not stop there, but proceed to build a proper prison for felons, in which boys may be separated from old offenders, and the other inconveniences of the present gaol avoided? At my last visit an additional building, opposite to the shire-hall, consisting of several rooms, was nearly finished.

"*Yorkshire.* Orders and fees settled by the Justices of the Peace of the several Ridings of the county of York and confirmed by the Justices of Assize—which are to be observed and kept by the gaoler and all prisoners—until the same shall be legally altered.

	£	s.	d.
First That every knight shall pay for his weekly commons at table if he eats with them .	0	13	4
For his fee if committed by warrant on a civil action	0	13	4
Every esquire for his commons at table weekly if he eats with them	0	10	4
For his fee if committed by warrant on a civil action	0	10	4
Every gentleman for his commons at table weekly if he eats with them	0	8	0
For his fee if committed by warrant on a civil action	0	8	0
Every yeoman, tradesman or artificer for his weekly commons at table if he eats with them .	0	6	8
For his fee if committed by warrant on a civil action	0	3	4
And it is further ordered that every knight shall pay nightly for his bed	0	0	6
Every esquire for the same	0	0	6
Every gentleman for the same	0	0	4
Every yeoman, tradesman, or artificer for the same	0	0	2
And that when the gaoler lodgeth two or more prisoners in one bed they shall pay for their lodgings amongst them after the rates above.			
And every prisoner who provides his own bed and bedding shall have a room assigned suitable to his or their quality, and shall pay nothing for the same.			
And that upon the discharge of a debtor if there be several actions against him, the gaoler shall take no more than one fee, and that to be .	0	6	8
And upon the discharge of every debtor to the turnkeys and no more	0	2	0
And that every prisoner shall have liberty to provide and send for victuals, drink, and other necessaries from any place whatsoever at all seasonable times for their own proper use only, and not to sell the same.			
And every prisoner committed from the bar by the judge or judges of assize and gaol delivery in the assize week shall pay for their commitment fee only	0	2	0
And every person committed to the gaol for suspicion of felony, or for misdemeanor, if upon his or her trial he or she shall be found not guilty and be thereupon discharged, shall pay to the gaoler for his discharging fee . .	0	6	8

	£	s.	d.
And to the turnkeys	0	2	0
And that every person convicted or attained of felony or found guilty of a misdemeanor which shall be reprieved and discharged by pardon, shall pay to the gaoler for his discharging fee	0	7	6
And to the turnkey	0	2	0
And every person that shall appear upon recognizance for suspicion of felony and is thereupon committed to gaol and shall not be indicted but acquitted by proclamation, shall be discharged paying to the gaoler . . .	0	2	0
And all others that shall be committed to gaol before the assizes or gaol-delivery, and shall not be indicted but acquitted by proclamation be discharged, paying to the gaoler . .	0	2	0

"*Yorkshire, to wit.* At the Assizes—held at the Castle of York, July 14, 1735—the 9th of George II. before the Honourable *Alexander Denton* Esquire, one of his Majesty's Justices of the Court of Common Pleas, and the Honourable *William Lee* Esquire one of his Majesty's Justices of the Court of King's Bench,—These Orders and Fees were allowed and approved of by—

ALEX. DENTON.
WM. LEE.

Yorkshire, East Riding, John Grimston, Ramsden Barnard, Thomas Grimston.
West Riding of *Yorkshire*, Geo. Nelthorpe, N. Hawey.
North Riding of *Yorkshire*, John Dodsworth, John Milbanke, John Wastell.

CHAPTER XVII

MODERN ADDITIONS AND ALTERATIONS—NINETEENTH AND TWENTIETH CENTURIES

Palisaded wall built in front of Scaffold, 1805–06—Ancient inscribed stone found—Castlegate Postern Lane widened, 1806—Gaol visited by Elizabeth Fry, 1819—Gaol presented several times—Topographical description of lands bounding the Castle, 1823—Lands and Clifford's Tower purchased—New prison and other buildings erected 1825–35—Total cost of new works—Exchange of land between Corporation and Magistrates—Prominent Magistrates on Building Committee—The Rev. Sydney Smith and the necessity of a third annual Assize—West Riding Assize business removed to Leeds, 1864—Prison Act of 1877 and its effect at York—Area of Castle divided—Appointment of Clerks of Gaol Sessions and County Committee—Castle ceases to be a Civil Prison, 1900—Taken over as a Military Detention Barracks—Clifford's Tower re-conveyed to County—Question of taking down Castle Walls—The Castle an Extra-Parochial area—Its legal status and ownership.

DURING the nineteenth century many improvements were carried out; the area of the Castle was enlarged and new prisons were erected. In 1801 the last public execution took place at Tyburn on Knavesmire, and a new scaffold was established at the south-west end of the Assize Courts behind the grand jury room, on the plot of land which in mediæval days formed part of an outer bailey of the Castle. To prevent the spectators who assembled in St. George's Close to witness the gruesome proceedings pressing

near the scaffold, a strong palisaded wall was built at the dip of the earthbank on which the platform stood, in 1805–06.

In digging to lay the bottom courses of the new boundary wall the workmen exposed the substructure of the enceinte [1] that formerly inclosed the outer bailey, and on the old foundations the new wall was built.[2]

In excavations for a drain near the old entrance from Castlegate, a block of freestone was also found, inscribed in large letters "CIVITAT" [3] which is supposed to have been an ancient tablet that marked the limits of the boundary and jurisdiction of the city. At the same time the Water-gate and remains of the adjoining flanker were demolished.

For the convenience of the vast crowds that congregated at the frequent public executions, Castlegate Postern Lane was widened and made 27 feet in breadth. To effect this improvement the Mayor and Commonalty, by indenture dated February 5, 1806, gave a plot of land near Castlegate Postern to Mr. Waud in exchange for a strip of land extending the length of his garden bordering the lane.

Officialism was sadly slow in moving, and at the dawn of the nineteenth century little appreciable advance or melioration in the treatment and management of prisoners had been effected. The evils were too deeply seated, and those who wished to amend them could not readily rouse an apathetic public to a just sense of its duty to those who had fallen into sin and wrongdoing.

[1] Like many works unearthed at this period, this wall was said to be Roman.

[2] The wall was taken down in 1827, and rebuilt 20 feet nearer St. George's Close.

[3] This stone, though in fragments, is in the possession of the Yorkshire Philosophical Society, deposited in the "Hospitium," and numbered 41.

The accommodation in the county gaol was still inadequate and unsanitary. It was only by the repeated visitation and investigation of the dark recesses of the prison world by philanthropic persons, and the publication of their observations, that the public and Parliament were constrained to favour a more enlightened treatment of the unfortunate prisoners in our gaols. The state of affairs at York is described in a book originally published in the city early in 1819, entitled "Notes on a Visit made to some of the Prisons in Scotland and the North of England, in company with Elizabeth Fry, by Joseph John Gurney."

"York Castle—The County Jail.[1]

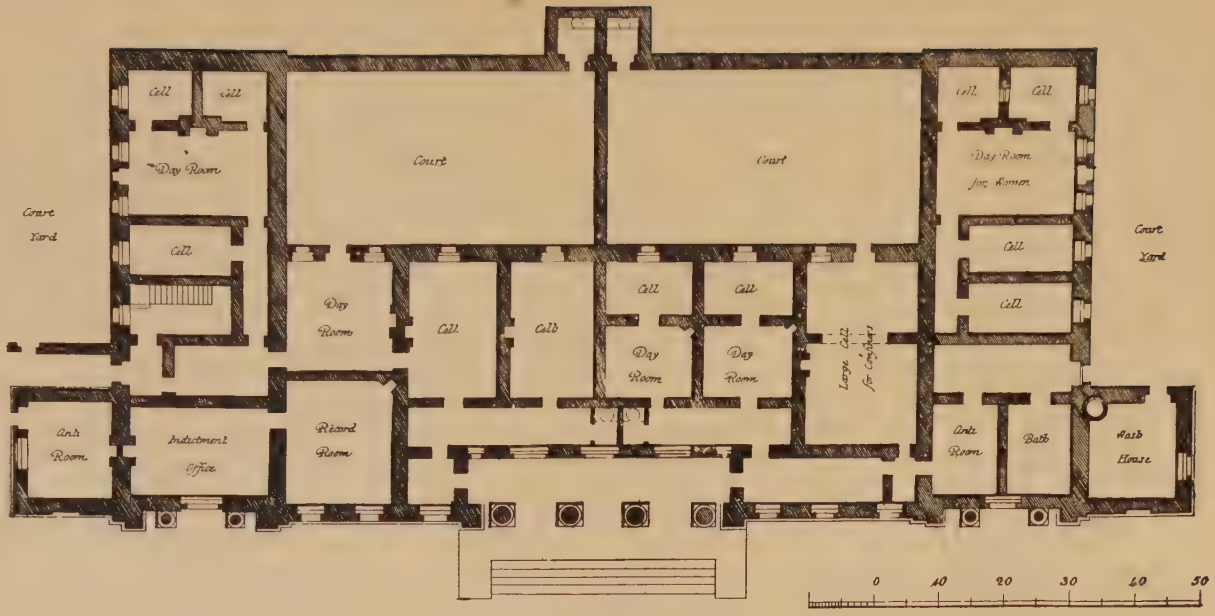
"On your entry into this handsome and extensive building, you are introduced to a very spacious court-yard, in which the debtors walk and expose various articles for sale, and into which the public are admitted with little or no reserve. On the right hand as you enter are the court houses; on the left, the several buildings in which are imprisoned the misdemeanants and others confined for a limited term, part of the debtors, and the women; in front, the governor's house, apartments over it for most of the debtors, and the prison for male felons, both before and after conviction—the tried being kept apart from the untried. There is no inspection from the governor's house over any part of the Castle, except the great court and one of the felons' yards.

"The chaplain attends this prison three times in the week to read prayers, and preaches twice. The prisoners are allowed one pound and a half of wheaten bread daily, and one shilling per week; but there is

[1] Visited August 22, 1818, in company with Benjamin Hornor, of the Grange, near York.

one particular class of them who have one shilling and sixpence per week. From the squalid appearance of some of them, it seemed to us questionable whether the allowance of food was sufficient to maintain them in health ; the apothecary of the prison, whom we saw, expressed an opinion that it was not. Firing is now allowed to the prisoners, and soap ; but no clothing, except in cases of emergency. Several of them were extremely ill clad ; two men without shirts. The felons, whether tried or untried, are heavily ironed.

" That part of the prison in which the women are confined is kept in a state of cleanliness and order. The women—of whom one was for trial, and the others convicts, about seven in number—appeared very decent ; and some of them were busily employed in washing for the debtors. Their day room does not admit sufficient light, but is otherwise comfortable ; so are their sleeping cells, and the bedding quite sufficient. The rest of the prison, except the debtors' rooms, which we did not see, but more especially the felons' day room, appeared to us very far from cleanly. Every yard, however, is supplied with water ; the means of warm and cold bathing are provided in the felons' prison ; and we were informed that the whole jail is white-washed twice in the year. The men who are sentenced to a temporary confinement are kept apart from the other prisoners, and are employed in making laces, caps, garters, etc., which are sold in the great court. By this means they earn from threepence to sixpence per day, the whole of which they are allowed to take for themselves. The male felons, whether tried or untried, are totally without employment. There were at this time about forty of them in the prison. Of these, the greater number were walking up and down a small yard, separated from the great court by a double iron palisade, or grating, the outer being divided from the inner gate by a space



PLAN OF THE "NEW BUILDING."

measuring 10 feet in breadth. Through this grating they keep up a free and easy communication, not only with the debtors but with the public. At this very time a great number of persons were standing at the outside, holding conversation with the prisoners. Men and women, grown-up persons and children, have an equal access to this scene of depravity and distress. It is evident that so free a communication must give every facility to the introduction of improper articles into the prison, and probably to the pawning of the prisoners' clothes, which we understand to be a prevalent custom here; it must also afford an easy opportunity of corruption to the inhabitants of York and its neighbourhood. The day room for these felons opens into the yard in which they walk, and measures 24 feet by 15. The turnkey remembers the time when there were eighty felons confined in it. The night cells connected with this part of the prison are ill-ventilated; three or four of them are totally dark, and admit no external air. The prisoners generally sleep two in a bed. Those who are unable to read receive for the most part no instruction whatever. On the whole, although this prison has some excellencies and great capacities, its evils are very conspicuous. They are as follow: Easy access of the debtors and of the public to the felons; insufficient clothing, and scarcely sufficient food; heavy irons; want of cleanliness, want of further classification, want of inspection, want of instruction, want of employment. It is most earnestly to be desired that suitable accommodations may ere long be provided, to supply the last and most important of these defects. Were the prisoners employed, they would not be occupied, as has hitherto been the case, by various devices for effecting their escape. Their chains might be knocked off with safety. They would not cut even their iron bedsteads to pieces as they

have done in their present state. They would have no time to corrupt either one another or the public. They would leave the prison with the habits of industry and comparative virtue, instead of being confirmed in idleness and deepened in crime. All the evils of York Castle are, with some expense and trouble, capable of being remedied; and shall they not be remedied by the inhabitants of so extensive and so opulent a county as Yorkshire? Our visit to this Castle was repeated on the 29th of the 9th month (September) in company with Samuel Tuke, of York. We perceived no alterations in its arrangements, or in the condition of its inmates." [1]

[1] The late Duke of Argyll's estimate of Elizabeth Fry.

"There is one other solitary figure which passes vividly across the stage of memory as I recall those days—the figure of one who left a deep impression on her time and a lasting blessing to the generations following. I refer to Mrs. Elizabeth Fry, the great Quaker philanthropic reformer. The story of her entering, alone and entirely undefended, into a prison reserved for abandoned and vicious women of whom even the keepers were so afraid that they never could go except in company, is a story which used to thrill me with admiration and astonishment. It was a great pleasure, therefore, to meet this illustrious woman. She was the only really very great human being I have ever met, with whom it was impossible to be disappointed. She was, in the fullest sense of the word, a majestic woman. She was already advanced in years, and had a very tall and stately figure. But it was her countenance that was so striking. Her features were handsome in the sense of being well-proportioned, but they were not in the usual sense beautiful. Her eyes were not large, or brilliant, or transparent. They were only calm, and wise, and steady. But over the whole countenance there was an ineffable expression of sweetness, dignity, and power. It was impossible not to feel some awe before her, as before some superior being. I understood in a moment the story of the prison. She needed no defence but that of her own noble and almost divine countenance. A few well-known words came to my mind the moment I saw her: 'The peace of God that passeth all understanding.' They summarized the whole expression of her

The County Magistrates were naturally annoyed that their administration of the gaol should be publicly criticised. They issued a report in a twenty-page pamphlet defending their actions, and attempted to minimize the complaints made by Mr. Gurney. They finally confessed: "They content themselves with observing, that none of the accusations enumerated by Mr. Gurney have been fairly stated—that many are unfounded—and most of them exaggerated." [1]

The second edition of Mr. Gurney's Notes, printed at Norwich, April 1819, contains a reply to the Report of the Magistrates.[2]

At the Yorkshire Lent Assizes, 1821, the Grand Jury presented the Castle Gaol for insufficiency, for classification, employment, and suitable accommodation; and the presentment was respited at each succeeding Assizes. A new Prison Act was passed in the fourth year of King George IV., entitled "An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of Certain Gaols and Houses of Correction in England and Wales."

face. It is a rare thing indeed, in this poor world of ours, to see any man or any woman whose personality responds perfectly to the ideal conception formed of an heroic character and an heroic life." From George Douglas, 8th Duke of Argyll, K.G., K.T. (1823–1900), "Autobiography and Memoirs," 2 vols.

[1] "The Report of the Visiting Magistrates for York Castle presented to the Magistrates of the Three Ridings, at their General Sessions, held the 11th day of March, 1819, and occasioned by an unfavourable representation, made in a late publication of the State of that Prison" (York: printed by W. Storry, Petergate).

[2] "A letter to the Magistrates for the three Ridings of the County of York, in reply to the Report of the Visiting Magistrates of York Castle, relative to that Prison" (York, April 1819).

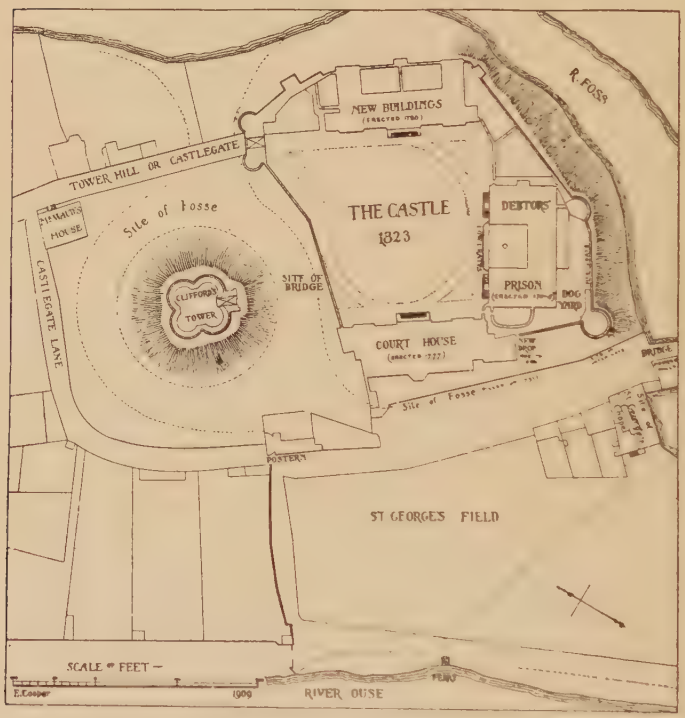
In order to meet the provisions of this Act, a Committee of Magistrates was appointed at a meeting of the Magistrates for the three Ridings, at their General Sessions, held during the Summer Assizes, 1823, who were deputed to state to an adjourned meeting, held August 28, the defects of the gaol, the conveniences required by the new Prison Act, and any other improvement which might appear proper. To assist the magistrates of Yorkshire in forming a just appreciation of the reforms necessary an exhaustive report was drawn up and published in pamphlet form by the committee, entitled " Information and Observations, respecting the Proposed Improvements at York Castle," printed by order of the Committee of Magistrates by W. Storry, York, September 1823.

The booklet contains particulars of the state and defects of the old gaol, the number of prisoners at various dates, an account of the grounds by which the Castle was bounded and which were suggested as sites for the new prison. The following extracts descriptive of the purlieus of the Castle a century ago, are of topographical interest, as the physical aspect of the district was greatly altered by the improvements subsequently effected—

" The open area of the Castle yard is 6,527 square yards, the unbuilt parts take up 5,345 square yards, the buildings 1,436 yards, and the whole scite of the Castle occupies 13,308 yards, or about 2 acres and 3 roods. The Castle is bounded on the north-west by the grounds of Samuel Wilkes Waud, esquire, comprising about 2 acres and a half ; the buildings upon which consist of a mansion house, and an ancient tower upon a mound called ' Clifford's Tower.' "

" The Castle is bounded on the south-west by some old buildings and gardens belonging to the Corporation of York, comprising about 662 square yards, including the old (Castlegate) postern tower ; upon this ground

there are three small buildings, worth together about 30 guineas per annum. From thence to the south-west, the Castle is bounded either by the road to Fulford, the road to Castlegate Postern gate, or by a piece of ground, some time since in dispute between the County and the City of York, but now divided



by boundary stones between both parties. To the south of this road is Saint George's Field, belonging to the Corporation of York, and containing 6 acres 1 rood 23 poles. Upon this field are built several small tenements."

"It appears from the information of respectable

persons residing upon the spot, that St. George's Field has been flooded about eight or ten times every year, for the last 20 years; that the water during these floods,[1] has been from 7 to 8 feet deep on the field, and sometimes about a foot and a half on the road, that this happens sometimes in the month of August, and that the flood has come up to the walls of the present Castle."

Castlegate Postern.

"On the very important point of the healthiness of the surrounding grounds in every direction, in which it is possible to extend the buildings of the Castle, three physicians of the City of York have been consulted, and these gentlemen, after minute examination and inquiry, were unanimous in giving, in point of healthiness, a decided preference to the grounds of Mr. Waud." [2]

[1] See tablet recording flood-lines on the City Walls, St. George's Field.

[2] Pp. 19–20.

At the first Court of Gaol Sessions for Yorkshire,[1] held April 1, 1824, under the new Gaol Acts, a resolution was passed " that the classification required by the Acts could not be carried into effect, until some enlargements, alterations, and additions were made in the Gaol of York Castle." At the following Court of Gaol Sessions, May 11, 1824, the presentment of the gaol was taken into further consideration, and resolved " to be well founded." At the Gaol Sessions of March 24, 1825, a Committee of nine of the County Magistrates was appointed, with power to purchase such land as they should think requisite, and appoint any architect they might think proper, to build such prison as they should consider adequate to the necessities of the County.

In July 1825 the Building Committee resolved to adopt a plan of the proposed new buildings and works (subject to such alterations as they might deem expedient), which was laid before them by Mr. Peter Frederick Robinson, F.S.A., of Brook Street, London, and the Committee appointed Mr. Robinson the architect. Purchase of property adjoining York Castle was made, under the powers of the Gaol Acts, in order to enlarge the site of the Castle. Two of the owners refused to treat for sale, as they would not agree to the sums offered on the part of the magistrates; a valuation of their property before a jury therefore took place, under the provisions of the Acts. The particulars of purchase of land, with all charges for new prison buildings, boundary walls, architect's fees and other incidentals were printed for the magistrates of the county, pursuant to an order passed at the General Gaol Sessions, April 2, 1835 : " York Castle : an Abstract of the Expenditure for the Enlargement of the Gaol," March 24, 1825, to June 26, 1835.

[1] All the Justices of the Peace for the three Ridings constituted the Court.

PURCHASE OF HOUSES AND GROUND, FOR THE ENLARGEMENT OF THE SITE OF YORK CASTLE WITH OTHER CHARGES

	£	s.	d.
Paid to Samuel Wilkes Waud, Esq., for his house and garden in Castlegate including Clifford's Tower. The indenture of conveyance is dated Dec. 13th, 1825, and cites that the premises are "conveyed to David Russell in trust for the purpose of enlarging or rendering more commodious or for the building or rebuilding of the said gaol"	8,800	0	0
Paid to the Corporation of York for messuages and hereditaments adjoining Castlegate Postern and of part of the street of Castlegate. The conveyance is dated Apl. 13th, 1826, and signed on behalf of the Corporation by Alderman William Cooper, the Lord Mayor . . .	800	0	0
Paid to the Corporation of York and the Archbishop of York for Castlegate Postern and Tower £200; Corporation's proportion £190, The Archbishop's £10, for privileges connected with the gate or postern.[1] The conveyance is dated April 13th, 1826, and is signed by D. Russell (Clerk of Gaol Sessions), B. Dealtry and Danson R. Currer (Magistrates), E. Ebor (the Archbishop), and Wm. Cooper (Lord Mayor)	200	0	0
Paid to Mrs. Grace Thompson, for houses and ground in Castlegate, conveyance dated Oct. 11th, 1826	4,500	0	0
Paid to Mrs. Anne Lloyd, for houses and ground in Castlegate, conveyance dated June 19th, 1827	3,250	0	0
Paid to a tenant of one of Mrs. Lloyd's houses for his tenant-right	25	10	0
	£17,575	10	0

[1] See Appendix I. Lammas Fair and the Archbishop's prescriptive rights at each City Gate and Postern.

	£	s.	d.
Expenses Incidental to the Purchases. .	978	6	3½
In new Buildings and Walls, alterations of Old Buildings, and other Works for the Enlargement of the Gaol, 1826–1835, Architect's charges and Clerk of Works	175,874	7	6½
	£194,428	3	10

The money was raised by a tax upon the three Ridings. Previously to 13 July 1826 as follows:

	£	s.	d.
For every twenty shillings—West Riding . .	0	9	3½
North ,, . .	0	6	2½
East ,, . .	0	4	6
	£1	0	0

At the General Gaol Sessions in July 1826, the proportions were altered, as follows—

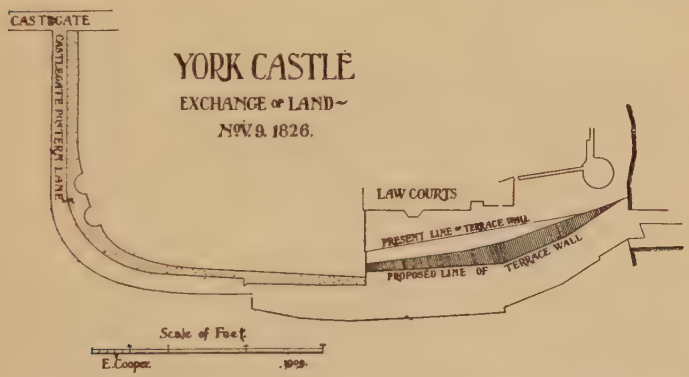
	£	s.	d.
For every twenty shillings—West Riding . .	0	10	9½
North ,, . .	0	5	2
East ,, . .	0	4	0½
	£1	0	0

During the work of enlarging the Castle the Mayor and Commonalty conveyed a piece of ground opposite St. George's Field, bordering the old palisaded terrace wall, to the County Magistrates in exchange for a strip of land required for widening Castlegate Postern Lane (or Tower Street). The deed of Feoffment is dated November 9, 1826, from which the accompanying plan is taken.

The exterior of the Castle has a very imposing though grim and austere appearance. The construction of the lofty and massive enceinte which circumscribes a large area, together with the great gate or entrance, the governor's house and the new prison buildings, occupied a period of about ten years. The ceremony of laying the first stone took place on March 20, 1826, by the Hon. Marmaduke Langley, of Wyke-

ham Abbey, High Sheriff of Yorkshire. The whole works are built of gritstone and are of great solidity and strength. The chief architect, Mr. Peter F. Robinson, was assisted locally by Mr. George T. Andrews, architect ; and Messrs. Hiram Craven [1] and Sons were the contractors and builders.

The frowning gatehouse, which is fireproof, has a very bold appearance, being flanked by two massive circular towers, with embattled parapets. Carved over the entrance in a panel are the royal arms of King George IV. From the top of this structure rises



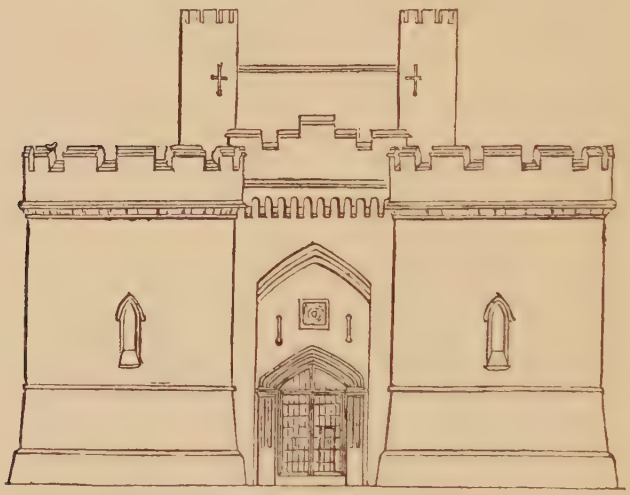
a subordinate square building, with small turrets at the angles. The interior of the left-hand tower, and the building over the archway, were fitted up for record [2] rooms and offices for the clerk of arraigns and assize. The petty sessions for the three Ridings were for some time held in the large apartment. The right-hand tower is occupied as the porter's residence.

The lofty walls, 35 feet high, have numerous buttresses at regular intervals, with embattled parapets.

[1] Mr. Hiram Craven was admitted a Freeman of York in 1827, and is described as a "stonemason."

[2] See Appendix J. The Records of York Castle with a typical example, Francis Drake, M.D., F.S.A., *versus* the King.

The new gaol forms the semi-diameter of a circle and was contrived with great ingenuity to prevent the escape of prisoners, which was a frequent occurrence in earlier days. The governor's house, though now adapted for other purposes, is circular in shape, and so constructed that the whole prison could be inspected from it. To provide ground space for the prison and other erections the talus of the mound, upon which



FRONT ELEVATION OF GATE-HOUSE.

stands the time-honoured keep, was unfortunately cut away.

At the Spring Assizes in the year 1823 the number of prisoners in the old gaol was 114, which included those for trial and others already under sentence. Sometimes the gaol was so crowded that nearly forty persons for trial, of all ages and characters and of every degree of guilt, were huddled together for months in the same yard.

Assizes or Gaol Deliveries were only held twice a year, and to relieve the overcrowding in our prisons

generally, the Rev. Sydney Smith appealed to the Government, praying that three assizes in the year might be established. Such an additional Gaol Delivery was very desirable, both in justice to prisoners awaiting trial and to the demands on the sheriffs and magistrates who had to provide necessary prison accommodation. The Hon. Robert Peel replied to the Rev. Sydney Smith's application thus—

INSIDE ELEVATION OF GATE-HOUSE.

SIR,— WHITEHALL, *July* 24, 1823.

I am desired by Mr. Secretary Peel to acquaint you, in answer to your letter of the 22nd instant, that so many difficulties of detail present themselves to the measure of holding three Assizes in the year, in each County of England, that he does not think it probable that the practice will at any early period be extended beyond the Home Circuit.

I am, your most obedient Humble Servant,

The Rev. Sydney Smith, H. HOBHOUSE.
Foston, York.

It takes legislators a very long time to see and act upon the needs of reform. Twenty years elapsed before a third annual Gaol Delivery for Yorkshire was instituted, which was held for the first time in December 1843.

In 1830, 1855, and again in 1857, efforts were made against the unanimous desire of the Court of Gaol Sessions, to establish a separate Assize for the West Riding, and the scheme had its rival supporters both at Wakefield and Leeds. In July 1863, after thirty-three years of agitation, the separation became an accomplished fact. It was decided that Leeds should be made the assize town for the transaction of all business, civil and criminal, arising in the West Riding of the county and in the Ainsty of York, and that York should retain the business of the North and East Ridings.

By the passing of the Prison Act, which came into force on April 1, 1878, a great change in the administration of county gaols was effected. The authority of the magistrates of Yorkshire in the Castle prison ceased, and became vested in the Prison Commissioners. Some of the conditions of the new Act were—

Expenses of maintenance of prisons and prisoners to be defrayed out of public funds, termination of obligation of counties, boroughs, and other prison authorities to maintain prisons or provide prison accommodation.

Transfer to Secretary of State of prisons belonging to prison authorities, and of powers of appointment of officers, control and custody of prisoners, and powers as to prisons and prisoners exerciseable by prison authorities or justices in sessions.

Legal estate in prisons vested in Prison Commissioners.

Town halls, courthouses and sessions houses within prisons not to be transferred to Secretary of State, power of Secretary of State to purchase.

Protection of prisons in nature of national monuments.

In 1880 the area of the Castle was divided, and the boundaries of the prison and portions of the Castle

used for assize and other county purposes were clearly defined and set out in an agreement [1] dated April 7, between the Prison Commissioners and others, and Mr. Frederick J. Munby on behalf of the Court of Gaol Sessions for Yorkshire.

The Court of Gaol Sessions for Yorkshire at its first meeting, April 1, 1824, appointed (as required by Statute Chapter 64, 4th George IV.) a clerk, who

Mr. Frederick J. Munby.

acquired all the powers vested in the clerk of the peace of any county. The first clerk was Mr. David Russell, solicitor, of York, who was succeeded in 1837 by Mr. Edward Harper, barrister-at-Law. He was succeeded in 1845 by Mr. Joseph Munby, solicitor, of York, who held the clerkship until his death, December 21, 1875; his son, Mr. Frederick J. Munby, solicitor, was appointed early in 1876, and by virtue of his office this gentleman has been Clerk to the York-

[1] See Appendix H. Copy of Agreement.

shire County Committee since the Local Government Act of 1888 came into operation the year following.

Much to the disappointment of the county magistrates, and all political parties in the city, York Castle, by the decision of the Home Secretary and his advisers, ceased to be a civil prison on July 31, 1900. The prisoners were removed to Wakefield Gaol, and the Governor at York, Mr. Edwin Taylor, was transferred to Northallerton.

The vacated prison was immediately taken over by the military authorities under licence from the Prison Commissioners, and under the sanction of the Secretary of State for the Home Department, to be utilized as a Military Detention Barracks, to which purpose it is still appropriated.

The Prison Commissioners on August 1, 1902, reconveyed Clifford's Tower to the Yorkshire County Committee, the administrative authority which succeeded the Court of Gaol Sessions by virtue of the Local Government Act of 1888. Before giving up possession of the historic keep His Majesty's Government thoroughly restored it and underpinned the foundations by the authority of Parliament, at a cost of £3,000. Clifford's Tower is accessible to the public under proper regulations, and visitors may see it at a charge of *2d.* daily, Sundays excepted, from March 1 to October 31 between the hours of 10 a.m. and 5 p.m.; the remainder of the year it is open daily from 10 a.m. to 4 p.m.

Under a recent Act no meeting of justices can be held on premises where there is a licence for the sale of intoxicating drink, therefore in May 1907 the licence of the old bar adjoining the Assize Courts was discontinued.

The massive walls enclosing the south-west side of the Castle, bordering Tower Street, have a sombre and uninteresting appearance, and in the year 1890

many citizens advocated their removal and that in their place a low palisaded wall should be built, thus opening out views of the Castle Green, Clifford's Tower and the mound. The County Committee was approached on the subject at the time, but declined to accede to the request. The matter was revived again in the York City Council more recently, and a deputation from the Council waited upon the Yorkshire County Committee at its quarterly meeting held January 15, 1910, under the presidency of Lord Wenlock. After fully considering the points raised by the deputation from the Corporation, the Committee regretted that it was unable to entertain the application.

The Castle an Extra-Parochial Area; its Legal Status and Ownership

The Castle, originally a Crown fortress, has always been, as it is at the present day, an extra-parochial area. The inclosed bailey, Clifford's Tower, together with all walls, earthbanks and ditches are not included within the liberties of the county of the city of York, or in either of the three Ridings. The Lord Mayor and Sheriff of the city possess no jurisdictive rights or power within or over the Castle.

In mediæval times it was essential for the upholding of monarchical government that Crown fortresses should be under the immediate care of an official nominated by the King; hence such places were free from civic control or possible hostile local interference. The sheriffs of the county of Yorkshire, successively, were the only executive officers who exercised authority over the Castle; when appointed they received a commission from the King investing them with this power, to whom they were responsible for their administrative acts, and any monetary expenditure they incurred was allowed them when their accounts were rendered, each Michaelmas, at the King's Exchequer.

The King's Free Chapel within the keep, founded in 1245, was also exempt from the jurisdiction of the Pope, the Archbishop of York, or other ecclesiastical authorities.

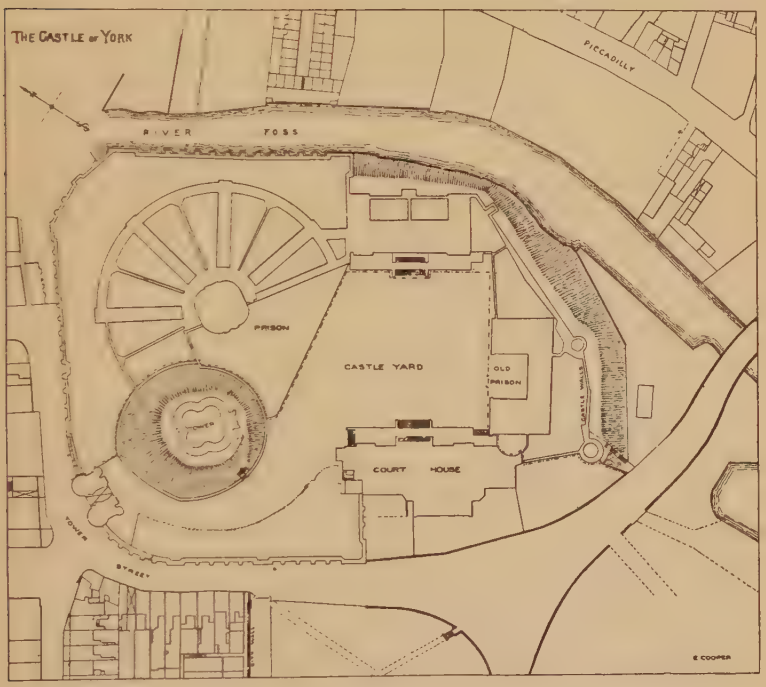
When Richard II., on May 18, 1396, granted a new charter to the citizens of York, conferring the dignity and title of sheriff upon the bailiffs of the city, he at the same time constituted the city of York a county of itself separate from the body of the county of Yorkshire. In doing this a saving clause was inserted in the charter preserving the ancient legal status of the Castle as an extra-parochial area.

" And that the City of York, with the suburbs and precincts of the same, according to the limits and bounds, which now be and are contained within the body of the County of York, be from henceforth clearly separated and exempted from the said County, in all things, as well by Land as by Water ; and that the said City of York, and suburbs of the same, and precincts, be from henceforth a County by itself, and be called for ever the County of the City of York."

" That the Hundred, or Wapontake of the Ainsty, with the appurtenances in our County of our said City of York, be annexed and united to be Parcel of the said County ; and that the said suburbs of the city, precincts, Hundred, or Wapontake, and every one of them with their appurtenances, and every thing that is contained in them, and every of them (*except our Castle of York, its Towers and Ditches pertaining to the Castle of York*) be of the County of the said City of York, as well by Land as by Water ; and that all Bailiffs or Freeliges within the said County of the City of York, be attendant and obedient on to the precepts and commands of the Sheriffs of the County of the City of York, and to no other Sheriffs."

More recent charters to the city confirm all former rights and privileges of the citizens.

In ancient records we find mention that the various local officials were jealous of their respective privileges, and that they occasionally resented any interference with their authority or jurisdictional rights. An incident occurred in the year 1422; the Lord Mayor, Henry Preston, " was informed that Sir Halnatheus Mauleverer, then High Sheriff of the County, had come



in his proper person to the house of one William Haseham, dwelling on Castle Hill [1] (the street of Castlegate between St. Mary's Church and the old Castle Gate)

[1] In the reign of Edward IV. on this higher ground, called Castle Hill, being waste land, it was leased to one John Lough, a miller, for a long term of years, and a *wind-mill* was erected upon it.

in the City, and had arrested one Agnes Farand, otherwise named Agnes Bercoats, commonly known to be the concubine of the Rector of Wath, and had carried her prisoner into the Castle. The Mayor, much grieved at this presumption, sent messengers to the High Sheriff, to acquaint him that he had done contrary to the liberties and privileges of the City, in arresting Agnes in the said place, and required him to deliver her up. The High Sheriff answered peremptorily that he would not, but would detain her prisoner till he had certified the King and Council of the fact. However, as the record adds, Sir William Harrington, lately High Sheriff, an honourable person, and a friend to both parties, hearing of it, being then in the Castle, sent the Lord Mayor word that if he would come down on the morrow to the Monastery of the Augustine Friars (? Friars Minors), he would bring them together, and try to make a good end of this matter. At this meeting the whole affair was talked over betwixt them, the result of which was, the High Sheriff gave up the Lady, and commanded her to be conveyed to the place from whence she was taken." [1]

When Robert Aske, the leader of the Pilgrimage of Grace, was about to be executed on the summit of Clifford's Tower, in July 1537, Thomas Howard, Duke of Norfolk, the King's Lieutenant in the North, was commissioned to see that the execution was carried out. Execution was "done on the height of the Castle dungeon" where the sheriffs of the city had no authority.[2]

In a deed dated October 30, 1672, relating to the purchase of Clifford's Tower, the keep and mound are described as: "situate lyinge and being neare the Castle of Yorke in the county of Yorke City of York and County of the City of Yorke or in some or one of them."

Prior to the enlargement of the Castle in 1824–26,

[1] City Records quoted by Drake. [2] See ante, p. 158.

South Aspect of Clifford's Tower and Forebuilding.

From Pen and Ink Drawing by E. RIDSDALE TATE.

the extent of the city's liberties was indicated at the end of Castlegate, at a distance of about seventy-seven feet from the old Castle gate. Here the City Sheriffs stood to receive the Judges of Assize, and accompanied them to the Guildhall.

Recent legislation has deprived the city of its jurisdiction over the Ainsty, and the district has been annexed to, and constitutes part of, the West Riding. The office of High Sheriff has been divested of many of its ancient privileges and power by the effluxion of time and various economic changes. The Castle declined as a Crown fortress in the fifteenth century and gradually became appropriated solely as a county gaol and a place of Assize. At the present time the Government, represented by the Prison Commissioners, hold the major portion of the Castle, and by arrangement permit the War Authorities to occupy the prison and other buildings as a military detention barracks.

The Assize Courts and adjoining appurtenances and the Gate House are the property of the county of Yorkshire, and are vested in Frederick James Munby, Esq., Clerk of the County Committee and his successors. Clifford's Tower together with the mound upon which it stands surrounded with a revetment wall, is the property of the Yorkshire County Committee, which holds it in fee simple. Although the ancient Castle is now used for purposes other than those for which it was first erected, it still remains as heretofore an extra-parochial area exempt from the jurisdiction of the Lord Mayor and Sheriff of the county of the city of York.

For rating purposes Crown property is exempt, as are also buildings occupied for Assize purposes. Although Government property is not rateable, contributions in aid of the local rates are made by the Commissioners of His Majesty's Treasury in respect of York Castle, which is rated at £750.

CHAPTER XVIII

LOCAL SCAFFOLDS AND CAPITAL PUNISHMENT

Hanging, an ancient custom—Right of hanging possessed by towns, archbishops, bishops, abbots, priors and manorial lords—Early York scaffolds—Ainsty gallows—Christianity of York—Holy Trinity Priory gallows—Hanged men found to be alive, 1280—New gallows erected on Knavesmire, 1379—York and London Tyburns—Riotous monks at an execution—Dissensions between York citizens and monks of St. Mary's—The gallows of the Archbishop, the Dean and Chapter, the Abbot of St. Mary's, the Abbot of Byland, and the Master of St. Leonard's—Valentine Freez. and his wife burnt, 1539—Robert Aske hanged, 1537—Earl of Northumberland beheaded, 1572—Women hanged and burnt—Arthur Mangey, goldsmith of Leeds, hanged, 1696—Practice of gibbeting—Eugene Aram hanged and gibbeted, 1757; Francis Fearn, 1782—Spence Broughton last person gibbeted in Yorkshire, 1792.

THE infliction of capital punishment by hanging has for hundreds of years been exercised in England, although at the present day there is an increasing growth of feeling against such an un-Christian practice. Many apathetic people still consider the gallows a humane and necessary institution; but we must not forget that even murderers have immortal souls, and to kill a murderer on no better pretence than that he is a kind of wild beast is simply to repeat his crime.

In mediæval times the authorities of most towns, the archbishops and bishops, the abbots and priors of

important monasteries, and countless manorial lords had the right of hanging; scaffolds were scattered all over the land—

> "When Power found licence for its crime,
> And held a writhing world in check
> By that fell chord about its neck;
> Stifled Sedition's rising shout,
> Choked the young breath of Freedom out,
> And timely checked the words which sprung
> From Heresy's forbidden tongue;
> While in its noose of terror bound,
> The Church its cherished union found,
> Conforming, on the Moslem plan,
> The motley-coloured mind of man,
> Not by the Koran and the Sword,
> But by the Bible and the Cord!"

In an early list of scaffolds we are informed six at least existed in or near York, and, as was the custom, they were placed in conspicuous positions near the great highroads that entered the city. The Anglo-Saxons probably had their gallows near the high ground just without the walls of York called Galmanhó, where subsequently the Abbey of St. Mary was founded. The criminal justice of boroughs, in early times, seems seldom to have reached to any higher point than that of *infanthief*, in other words, the punishment of criminals caught in the act. According to the primitive ethics of justice a thief was adjudged to be hanged, however trifling the thing he had pilfered. In the thirteenth century the citizens of York had a gallows situated in the Bulmer Wapentake near the north-east boundary of the city; but, later, they appear to have appropriated and used the Ainsty scaffold, erected on the roadside near Dringhouses, the site of which for many centuries marked the city's limit in that direction.

The district known as the Ainsty of York it is thought was formerly connected with the Benedictine Priory

of the Holy Trinity, Micklegate, and was also designated the Christianity of York.[1] In old records the Dean of the Christianity of York is often mentioned, and the same area is now under the ecclesiastical supervision of the Rural Dean of York. King Henry I. granted " to the monks of Marmoutier serving God at (Holy Trinity Priory), York all the possessions, which Ralph Pagnell and all other benefactors have given to them in frankalmaign in the borough [i.e. within the city burh or wall] and without, with soc, sac, and tol and tem, and *infantheof*." The Priory of Holy Trinity possessed certain rights in the villages of Bishopthorpe, Bilbrough, Monkton, Hessay and Knapton, all in the Ainsty. The Prior had jurisdiction over thieves apprehended within the territorial limits to which the privilege of *infanthief* was attached, and summarily hanged unfortunate criminals taken in the act, and the Ainsty Gallows, it would appear, was anciently the Priory scaffold. It was situated near an eminence, or public place, latterly called Butt Close,[2] where an open-air court was in old times held for the Ainsty, and where the villagers of Dringhouses practised archery.

One of the first notices specifically mentioning the name of a person hanged on the Ainsty Gallows, is that alluding to one John Elenstreng who was hanged in 1280.[3] At this period there was in existence a Guild of the Hospital of St. John of Jerusalem. Local

[1] Holy Trinity Priory had a double dedication and was often referred to as Christ Church. The Dean of the Christianity was also designated Dean of the Ainsty. There was a Dean of the Christianity of Howden, Yorkshire (see *Register of Archbishop Giffard*, Surtees Society, vol. civ.). At the present day there are still several deaneries of Christianity—Exeter, Leicester, Lincoln and Dublin.

[2] Mrs. Cudworth's and the two adjoining houses are built upon the site.

[3] Cal. Pat. Rolls, 1272–81, p. 396.

brothers of the order were privileged to take possession of the bodies of any enrolled members, who had committed a crime and been adjudged to be hanged, and give them Christian burial.[1] John Elenstreng was a member of this guild, and when his body was carried for interment to the chapel of St. James on the Mount, he was found to be alive. The simple-hearted populace, and even those in authority, superstitiously believed that he was brought to life again through the efficacy or influence of the dedicatory saint of the chapel. On August 19, 1280, Elenstreng was granted a pardon by the King, for the honour of God and out of reverence to St. James, on the testimony and evidence of John de Vallibus and his fellow-justices in Eyre in the county of York, before whom Elenstreng had been convicted of larcenies and by the judgment of the court condemned to be hanged.[2]

The chapel of St. James attached to Holy Trinity Priory was founded early in the reign of King Stephen by Roger the Priest, near a stone cross outside the west gate of the city. Stephen granted to the chapel the land on which the thieves' gallows stood, *extra portam civitatis*.[3] This reference doubtless alludes to

[1] To bury the dead is one of the "acts of mercy," and that duty appears to have been frequently fulfilled by persons of distinction in mediæval times. In the Privy Purse Expenses of Elizabeth of York, the Consort of King Henry VII., on May 25, 1502, this item is recorded: "To Frary Clerc of Saint Johns for the buryeng of the men that were hanged at Wapping mylne, viijs." The "Saint Johns" mentioned was probably the ancient Guild of St. John of Jerusalem.

[2] This is not an isolated case; several similar pardons appear on the Patent Rolls referring to men hanged in other towns, who were saved from premature burial by the timely aid of the Guild of St. John of Jerusalem (see Cal. Pat. Rolls 1292–1301, pp. 147, 374; 1307–13, p. 265).

[3] Cal. Pat. Rolls, Edward iv. p. 376. Cf. "Alien Benedictines of York," by Dr. Solloway, p. 78.

a gallows which stood on the summit (of The Mount), on the hill near the stone cross, and after the appropriation of the site by the monks a new gallows was erected on Knavesmire.

In the "Criminal Chronology of York Castle" (compiled by Burdekin and Knipe) it is recorded that on Tuesday, March 1, 1379, a special meeting of the Bailiffs of the City of York, with the gentlemen of the late Grand Jury, assembled for the purpose of considering the propriety of appointing a place to erect a gallows, was held at the Castle, York. The Mayor of York presided, when several present spoke and explained the circumstances relating to the insubordination and rising of the monks at a recent execution at the gallows of the Abbot of St. Mary's. It was agreed that a gallows be erected upon Knavesmire where the gibbet-post stood. A new gallows was built near the roadside, opposite the York (Hob) Moor, about one mile from the Castle. On Wednesday, March 7, 1379, the new gallows was erected for the public execution of the criminals capitally convicted in the City of York, and county of the said city.

The details of the riotous behaviour of the monks have not transpired, but the affair was one of many tumultuous conflicts with the citizens. A feud of long standing existed between the monks of St. Mary's and the people of York. As early as 1262 the citizens violently attacked the Abbey; they maltreated the monks, and destroyed and burned several houses without Bootham Bar belonging to the Abbey. Armed encounters between the two communities were of frequent occurrence.[1] On several occasions appeals to the Crown were made; at times the Abbot told of his grievances, and in turn the Mayor did the like. Various kings issued mandates in their endeavour to

[1] See "Analecta Eboracensia," pp. 241–43.

bring about a more peaceful understanding betwixt the citizens and their neighbours the monks of St. Mary's. The following is a typical order sent down to York—

"Feb. 22nd, 1343. To the Mayor, Bailiffs and Lawful Men of the City of York. Order to cause proclamation to be made that no one, upon pain of forfeiture, shall make gatherings of armed men by day or night henceforth in that city or the suburb thereof, bring armed power there or inflict damage on the abbot and monks of St. Mary's, York, or their men and serjeants by land or water, and if after the proclamation they find any one doing the contrary they shall cause them to be arrested without delay and detained in the prison of that city as rebels, not to be released thence without the king's special order, knowing that if a plaint concerning the premises is repeated to the king he will cause the city and its liberties to be seized into his hand and the king is ready to show full and speedy justice to any of the city for injuries inflicted upon them by the abbot and monks, their men and serjeants, as the king has heard from the information of divers persons that several malefactors of that city and elsewhere in co. York make illicit assemblies in the city, and threaten the abbot and monks in their life and members and with the burning of the houses, granges, and tenements of the abbey, by reason of certain dissensions between the mayor and others and the abbot and monks for certain liberties which the latter claim by charters of the king and his progenitors. The king has ordered the sheriff of York[shire] to make a like proclamation in all places in that bailiwick, and to detain all disturbers of the peace in the castle of that city as aforesaid." [1]

The Ainsty Gallows became known as the York Tyburn, a name derived from the gallows used by the

[1] Cal. Close Rolls, 1343–46, pp. 96, 97.

citizens of London situated at the Elms in the manor of Tyburn, re-erected there in 1220.[1]

King Henry I., son of the Conqueror, with other liberties re-granted the privilege of *infantheof* to the Archbishop of York. In 1280 Archbishop William Wickwaine was summoned before the King's justices at York to answer by what warrant he claimed to have gallows, right to apprehend malefactors, and other legal dignities and privileges within the city of York and one part of the town of Hull. The succeeding Archbishop, John Romanus, in 1292, had to answer by what authority he claimed to " have a fair, *husgabulum* (a tax or tribute on houses), *infantheof*, gallows, threepence toll on Fossebrigg, and two *cuneos* for making money in York, and amends of the assize of ground malt in the same town." [2]

The archbishops possessed in their various manors a power and authority almost equal to that of the king himself, and they tenaciously clung to the right of *infantheof* and the infliction of other horrible punishments. They held the power of *furca et fossa*, the punishment of ordinary felons, the men by hanging and the women by drowning. The archiepiscopal scaffold at York stood on Foss Bridge, where the archbishop also claimed legal title to a toll of every third penny paid at the fish market held on or near the bridge.

[1] " Henry, by the grace of God, King of England, etc., to the Sheriff of Middlesex, greeting. We order you to cause to be made, without any delay in the place where the gallows were formerly erected, that is to say, at the Elms, two good gibbets of strong and excellent timber, for hanging robbers and other malefactors ; and the cost which you may incur for this shall be accounted to you, by the view and testimony of lawful men, at the Exchequer. Witness, Hubert de Burgh, our Justiciary, at St. Albans,—22 May 4 Hen. 3." (See Close Rolls.)

[2] " History of Sherburn and Cawood," Wheater, p. 30.

The gallows of the Dean and Chapter of York was stationed in the Horse Fair [1] at the end of Clarence Street, by a stone wayside cross at the junction of Haxby Road and Wigginton Road, which in the thirteenth century was described as in the Bulmer Wapentake.

The Lord Abbot of St. Mary's Abbey possessed a scaffold situated in the lane now called Burton Lane, but formerly known as Chapel Lane from its close proximity to the Hospital or Chapel of St. Mary Magdalene. *Infangtheof* with other liberties was granted by charter to the Abbot by King William Rufus, and his successors ratified all former rights and privileges which the Abbot possessed.

The Abbot of Byland also had a scaffold near York, the exact site of which has not been ascertained.

Near Garrow Hill, on the Hull Road, a name supposed to be a corruption of Gallow's Hill, was the Gallows of St. Leonard's, Green Dykes. Land in this vicinity was in the possession of the Hospital of St. Leonard, and the master of that great secular institution no doubt claimed the privilege of *infangtheof* and the right of gallows. A byway near the site still called Thief Lane is reminiscent of the scaffold.

In the seventeenth century many city and county malefactors were executed on this scaffold, and a gruesome list is given in "The Criminal Chronology of York Castle." The two last malefactors hanged on the St. Leonard's gallows were Leonard Gaskill, and Peter Rook, natives of Beverley, who were executed May 1, 1676, their offence being sheep stealing. In the year 1700 the Grand Jury at York Assizes, held in March, petitioned the Judges for the removal of St. Leonard's scaffold. On June 1 the Sheriff of the county

[1] An item in the Fabric Rolls of York Minster for the year 1693 reads: "For rebuilding the gallows in the Horse-faire and the stocks in the Minster Yard, £5 5*s*. 10*d*."

received instructions from the Secretary of State for the Home Department to remove the gallows. It was accordingly taken down and demolished on June 3, 1700, to the satisfaction of many citizens of York.

It is not proposed to give a list of executions, but reference to a few of the numerous examples will perhaps be helpful in reminding us of the good work philanthropists have achieved, the evolution of public opinion, and the pressing need of further reform. The awful responsibility involved in putting to death our fellow creatures renders it worth the while of any lover of truth and of his country to examine the arguments on both sides, and to ascertain their comparative cogency.[1]

" Is it for fallible man to presume to determine, by his laws and decisions, the period at which his fellow-man shall cease to exist in this world ; when all opportunity for repentance terminates, and when the criminal, however unprepared he may be, is hurried into the presence of the Judge of the whole earth ? "

Near the Tyburn gallows on Knavesmire, Valentine Freez, a citizen of York, admitted as a Freeman in 1539, was burnt at the stake together with his wife for conscience, sake. Fuller says, " they both gave their lives at one stake for the testimony of Jesus Christ." These two heroic persons were thus " married " together in martyrdom, and presented probably the only instance where man and wife were together committed to the flames for their so-called heretical beliefs.

Occasionally those considered traitors by bigoted partisans were executed at scaffolds specially erected for the purpose. Robert Aske, one of the leaders of the Pilgrimage of Grace, was ignominiously put to

[1] See " Capital Punishment." By E. D. Girdlestone, 1904. " The Penalty of Death ; or, the Problem of Capital Punishment." By Joseph Oldfield, M.A., 1901.

death on the summit of Clifford's Tower in the year 1537. On August 22, 1572, the unfortunate Earl of Northumberland was executed in The Pavement.

In the "good old days" little regard was paid to human life, and women were punished in a most brutal manner. Amid the hisses, groans, and execrations of a frenzied crowd of spectators, Elizabeth Cook was hanged and burnt at the gallows of St. Leonard's, March 29, 1605. Fourteen men were hanged at the Tyburn gallows, April 30, 1649, and on the same day seven women suffered a like death, three of whom were hanged and burnt close to the gallows. As late as 1776 one Eliza Bordington was hanged at Tyburn for poisoning her husband, and her body burnt when taken down. By the entreaties of Queen Charlotte, the consort of George III., the burning of women for slaying their husbands was abolished by Statute in 1789.

In 1696 Arthur Mangey, goldsmith, of Leeds, was executed at the Tyburn without Micklegate Bar, for counterfeiting the current coin of the realm. Mangey was a member of an ancient York family, whose name first appears on the Freemen's Roll in 1555. Arthur Mangey was the son of Henry Mangey, goldsmith, of York, and took up his freedom of the city in 1681. He had brothers practising the same craft in York, and he appears to have removed to Leeds and commenced business there, in Briggate. He was the maker of the civic mace belonging to the Corporation of Leeds, and on November 3, 1694, was paid the sum of £60 11*s.* 6*d.* for his work, which he appears to have executed well and honourably. Two years later, however, he was taken into custody on the charge of clipping and forging the current coin of the realm and convicted of the crime. The premises in Briggate, Leeds, which he occupied, and where doubtless the mace was so skilfully made, were taken down in 1832.

The "Annual Register" of that year contains the following notice of the removal of the old house—

"In taking down some houses in Briggate, Leeds, the workmen discovered in the roof a small room in which were found several implements used in coining, and a shilling of the date of 1567. The house in which they were found was occupied in the reign of William III. by a Mr. Arthur Mangee, a goldsmith, who was convicted of high treason, in imitating the current coin of the realm, at the Assizes held at York, Saturday, August 1st, 1696, and executed on the 3rd October following, having in the interval been twice reprieved."

The principal witness against him was a person named Norcross, an accomplice, who stated that he saw him stamp a piece of mixed metal with the head of Charles II. The coining, he said, was carried on in a small chamber in the roof of the house. Mangey was drawn on a hurdle from the Castle to the place of execution on Knavesmire in the presence of a large concourse of spectators. After the execution his body was given to friends to be interred at Leeds.

"Oh! 'twas a fearsome sight to see
That pale, wan man's meek agony,
The glare of that wild, despairing eye
Now bent on the crowd, now turn'd to the sky,
As though 'twere scanning in doubt and in fear
The path of the spirit's unknown career;
Those pinion'd arms, those hands which ne'er
Shall be lifted again—not even in prayer—
The heaving chest! Enough, 'tis done,
. . . . The spirit is gone!
For weal or for woe is known but to One.
Oh! 'twas a fearsome sight! Ah me!
A deed to shudder at—not to see."

Some Judges of Assize frequently supplemented their sentence of death by giving instructions to suspend the bodies of murderers and robbers in some prominent position near the place where their crimes had

been committed, as grim and terrible examples to all who passed. Although the practice of gibbeting had prevailed from very early times, it was not until 1752 that by Act of Parliament it was legally recognized.

The notorious Eugene Aram was hanged at Tyburn August 6, 1759, and afterwards his body was conveyed to Knaresborough Forest, where it was gibbeted.

Francis Fearn, hanged at Tyburn July 23, 1782, was gibbeted. The following order was received by the gaoler of York Castle—

"I do hereby order that the execution of Francis Fearn he respited until Tuesday, the 23rd of July instant, and that his body (instead of being anatomized) shall be afterwards hanged in chains on a gibbet, to be erected on some conspicuous spot, on Loxley Common, in the parish of Ecclesfield, in the county of York, at a convenient distance from the highway.

"J. Eyre."

Spence Broughton, charged with robbing the mail running between Rotherham and Sheffield on the night of February 9, 1791, was sentenced to be hanged and gibbeted, by Mr. Justice Buller, at the Castle of York, March 24, 1792. The precise instructions given by the Judge of Assize read thus—

"I do order that after the Execution of Spence Broughton his body be hung in chains, on a Gibbet to be erected on some conspicuous Spot on Attercliffe Common in the County of York, on the South of the Road leading from Sheffield to Rotherham, not less than Three Hundred Yards from the Road."

Broughton's gibbet-post was the last erected in Yorkshire; and it, with the irons and its ghastly accompaniments, remained standing until 1827–28, when it was taken down. The horrible practice of hanging in chains on gibbet-posts was repealed by Statute on July 25, 1834, and thus another inhuman and hideous custom was abolished.

CHAPTER XIX

LOCAL SCAFFOLDS AND CAPITAL PUNISHMENT

(*continued*)

Bodies of malefactors to be anatomized, 1752—"The Three-Legged Mare of York"—Public executions—Mock show rehearsals—Execution broadsheets, and calendar vendors—Last execution on Knavesmire, 1801—Scaffold removed—First execution at the New Drop—City Gaol scaffold, Bishophill—Fourteen Luddites hanged, 1813—The deplorable effects—Statute confining death sentence to traitors and murderers, 1861—Last man hanged in public at York, 1868—Private executions enjoined by Statute.

FOR centuries it was considered—from a mere unreasoning conservatism—that hanging malefactors, besides being a just punishment upon them, would strike dread and fear into the minds of those criminally disposed. Now, however, we have found that neither the menace nor the actual infliction of death is an effectual deterrent to the commission of capital crimes.

To give additional terrors to the punishment, in 1752 an Act was passed, which recites: "That the horrid crime of murder had of late been more frequently perpetrated than formerly"; it was therefore enacted that persons convicted of murder should be executed on the next day but one after their sentence of death had been passed, and that their bodies should be given to the surgeons to be anatomized, or hung in chains; and, further, that the prisoners should be fed on bread and water only, after being sentenced.

"The Three-Legged Mare of York."

Towards the end of the eighteenth century, executions at Tyburn Scaffold, on Knavesmire (which was called "The Three-Legged Mare of York"), were spectacles of a most popular and withal degrading character. People flocked to them as to an entertainment or fair; and those who could afford it readily paid for seats where a full view could be obtained of the dying malefactors' last agonies. The gruesome sights were even repeated in mock-show exhibitions in public-house yards by the hangman and other men engaged by innkeepers. An admittance fee was charged, and those depraved persons who paid to see the shameful rehearsal were allowed a pint of ale into the bargain.

There is no need to exclaim in detestation at such callousness in a bygone age, because it is almost certain that if such spectacles as public executions were again permitted similar crowds would assemble. Such ghastly proceedings had a very bad influence upon the people; and it has been remarked that many murderers had been trained by being witnesses of executions.

The friends of criminals, under sentence, were allowed opportunities to bribe the turnkeys in order to see the condemned, to take a last farewell, and present them with white caps and black ribbons, nosegays and oranges, so that they could make a "decent" appearance as they were drawn from the Castle "on the road to the other world." Murders and robberies, trials and executions, formed favourite subjects for the itinerant balladmongers. The vendors of these tales of horror, crime, and "last dying speeches" were conspicuous characters at executions. Such was the delight and avidity with which the public purchased these pernicious broadsheets, that unscrupulous writers and printers fabricated and issued false and lying accounts describing fictitious murders and executions. Their trade was, however, extinguished when cheap

newspapers came into vogue ; but, occasionally, we still may find the degenerate song vendor at some country markets and village fairs.

The morbid curiosity of the populace at Assize times was also pandered to by the vending of calendars of prisoners who were to appear before judge and jury. These cheap and rudely-printed broadsheets were sold by " list-sellers " in the market place, and at fairs ; in fact, they were vended wherever the people congregated in large numbers. In a chap book entitled " Cries of York," printed about 1820,[1] an old wood-

An Execution at Tyburn, York, 1799.

cut depicts the Castle gates accompanied by a familiar city cry of the period—

" Come buy a true Calendar
Of prisoners in the Castle drear,
Come buy a Calendar ;
Their crimes and names are set down here
'Tis truth I do declare."

The last person executed at the York Tyburn on Knavesmire was Edward Hughes, who suffered August 29, 1801. Public executions, with all their attendant

[1] " The Cries of York, for the Amusement of Young Children." Decorated with wood-cuts. Printed by J Kendrew, Colliergate.

manifestations of callousness and rowdyism, at length excited the disapproval of many of the more thoughtful and Christian-minded citizens. In the *York Herald*, April, 1801, we read—

" The plan some time ago recommended by Major Topham for altering the place of execution at this City, is, we understand, now likely to be adopted. It was submitted by the last Grand Jury to the High Sheriff; and it cannot be otherwise than desirable that the public business of the city, the feeling of the humane, and the entrance to the town should no longer be annoyed by dragging criminals through the streets. . . . The place proposed is said to be on the side of the Castle next the New Walk, to which the sufferers may be led immediately from the Castle itself."

The subject was again referred to in the *Herald*, July 25, 1801, thus—

" On Thursday a meeting of Justices was held at the Castle, when, among other resolutions, it was determined that a drop should be erected as soon as conveniently may be, at the back of the Castle, opposite the New Walk. Thus will be removed from one of the principal roads leading to the city that disagreeable nuisance, the gallows; and thus will the inhabitants and passengers be no longer interrupted, and their humanity hurt by the leading of unfortunate people to the place of execution. It is truly a wise and salutary measure, and the promoters of it deservedly merit the thanks of the public, and especially of the inhabitants of this city."

The first executions at the New Drop, behind the Castle Walls, were " celebrated " August 28, 1802, by the hanging of Thomas Roberts, for stealing sheep, William Barker, for stealing a horse, and William Jackson, for burglary.

The removal of the gallows did not lessen the multitude of morbid spectators. St. George's Field was

always crowded at executions. Such events were treated in the city as a "gala day," and the factories and workshops closed for a short time that the workers might be at liberty to attend.

At the City Gaol, erected in 1802–07, on Bishophill, near Baile Hill, was another scaffold, occasionally used for felons sentenced to death for offences committed within the city boundary. David Anderson was hanged on August 20, 1809, for uttering false bank notes. In 1820 William Brown, alias Morley Stubbs, was found guilty of robbing John Armstrong on the New Walk, near Blue Bridge on the evening of Novem-

An Execution at the New Drop.

ber 23. He was sentenced to death, and suffered at the new gaol scaffold. The prison was taken down before the erection of the approaches to Skeldergate Bridge in 1880.

During the latter years of the reign of George III. the social conditions and misery of the working classes in this country were most deplorable. Heavy taxes were imposed to carry on the Peninsular War; continental ports were closed to British trade; poor harvests were experienced at home; and the price of wheat was unprecedented. In 1812 it reached the highest figure it has ever attained. Poor perishing people were unable to purchase food, as flour was eight

shillings per stone. Gaunt famine-stricken crowds paraded our streets, wailing and piteously crying for bread. At the same time labour-saving machinery was being introduced in the West Riding manufacturing centres ; and the artless, uneducated workers blamed the new and obnoxious appliances as the cause of their sufferings. Matters grew worse. Gloomy months passed, and in their simple ignorance the unemployed and misguided operatives were cajoled by agitators, and encouraged to rise and destroy the hated machinery. In March 1811 a series of riots commenced in Nottinghamshire which extended over a period of five years. The fiery spirit of disaffection appeared in Yorkshire about the middle of April 1812 ; the workers in the West Riding towns rioted and commenced destroying mills where new machinery had been erected. Unfortunately, several worthless criminals joined the angry mob in their violent proceedings ; and in the affrays two mill-owners were killed.

Accounts [1] of the rising of the Luddites have already been published, wherein all their misdeeds are recorded in detail. Sixty-six persons were arrested and brought to York Castle, and a Special Commission or Assize was held, which sat from January 2–12, 1813.[2] Fourteen of the ill-fated number were condemned to death and suffered at the New Drop opposite St. George's Field, January 16, before a vast concourse of people—men, women, and children—all assembled to see their fellow-creatures done to death. Hush ! The prison bell tolls. There is a pause, the halbert men, wearing the High Sheriff's livery, file out and form round the scaffold. The door behind the drop opens, and the chaplain, the under-sheriff, and the governor of the

[1] "The Risings of the Luddites," etc., by Frank Peel, F.S.A.Scot.

[2] See "Proceedings under the Special Commission at York," etc. Printed by Edward Baines, Leeds.

gaol come forward. They are followed by turnkeys, escorting men with ghastly faces ; the look of anticipated death. " Hats off ! " shout the spectators at the back of the crowd in their eager desire to obtain an unobstructed view. The chaplain—grim mockery—

> " . . . with the cold, calm look
> And tone of one whose formal part,
> Unwarmed, unsoftened of the heart,
> Is measured out by rule and book,
> With placid lip and tranquil blood,
> The hangman's ghostly ally stood,
> Blessing with solemn text and word
> The gallows-drop and strangling cord ;
> Lending the sacred Gospel's awe
> And sanction to the crime of Law."

By this severe and inhuman judicial visitation, fourteen wives were made widows and no less than fifty-seven innocent children became fatherless, with an undeserved stigma clinging to their names for life. One broken-hearted wife expired on the occasion of her husband's arrest, and seven orphans of tender years were turned upon the cold uncharitable world.

The condition of the working classes remained in an unsatisfactory state for many years ; an unfeeling and unreformed Parliament being almost helpless in its administration of home affairs.

In 1861 a Statute was passed whereby death was confined to treason and murder only, directing that any person convicted of murder should suffer death as a felon and be buried within the precincts of the prison. This Act put an end to the dissection of the body.

A later Act became law, in 1868, specifying that prisoners sentenced to death were to be executed privately within the walls of the prison where they were confined at the time. An inquest was to be held in the ordinary manner within twenty-four hours, and

the body to be buried within the walls of the prison. This is the Statute under which the punishment of death is now carried out. The last public execution opposite St. George's Field was that of Frederick Parker, whose life was sacrificed to the offended laws for the murder of Daniel Driscoll at South Duffield, near Selby, on Saturday, February 29, 1868.

Some countries have ceased to inflict the punishment of death for murder. Probably as we become more civilized, this, the extreme penalty of the law, will never be enforced and the punishment erased from the Statute Books.

CHAPTER XX

COUNTY ELECTIONS, PROCLAMATIONS, ETC., IN THE CASTLE YARD

Castle yard a public place—Misdemeanants publicly whipped —County Courts—Castle Green appropriated for election of Knights of the Shire—Tumultuous proceedings in 1597 —Subsequent contests and typical scenes—Commotion and abuses at 1734 Election—The Great Election of 1807 —Proceedings in 1826—Reform of the Electoral System and Districts—Proclamation of King George V.

WHEN the Castle declined as a Crown stronghold, and its buildings became almost entirely appropriated for county purposes, the wide open space, or green, called the Castle Yard, which is sufficiently large to accommodate many thousands of persons, became the rendezvous and meeting place of Yorkshiremen on many momentous occasions.

Before the passing of the Reform Bill of 1832, the yard, sometimes described as " the Eye of the County," was often the scene of animated, and at times, riotous political struggles. The county gentry and freeholders also oft-times congregated on the green and deliberated on questions of significant public import ; and within the Castle's echoing walls the sheriffs of the county still make the customary Proclamation on the accession of each new sovereign of the realm.

The Castle yard being formerly a common place frequented by multitudes during Assize times, misdemeanants were publicly whipped and periodically

placed in the pillory, or put in the stocks, which stood in prominent positions before the curious gaze of assembled crowds. Such bygone punishments were incident to the sentences pronounced by the Judges of Assize a little more than a century ago.

In the old days, before the reform of our electoral system, at great general elections the polling not infrequently lasted for above a fortnight, and the methods adopted for recording the voice of the people were primitive and fraught with curious and often fraudulent practices. Party feeling repeatedly ran high, and amid scenes of intense excitement the sheriffs, as returning officers, occasionally allowed their personal bias to predominate during the proceedings, and such partiality resulted in uproarious outbursts of resentment and tumultuous protests.

Amongst the manuscripts preserved in the collection of the Marquis of Salisbury, at Hatfield House, are several papers describing an election which took place in the year 1597. As these documents contain pertinent particulars of the accustomed procedure, they will not be without interest to present-day electors; and to that vast assemblage of Yorkshiremen whose opinion on political matters is a great factor in the affairs of the State. The election of Knights of the Shire was not in Yorkshire the tame affair that it was elsewhere.

Proceedings at the Election of Members of Parliament for the County of York

The manner and form of the election of the Knights of the Shire for the next Parliament, made at the Castle of York in open county, holden there the third day of October in the 39th Year of Her Majesty's reign.

Imprimis, that Sir John Savyle, knight, being sent for by a pursuivant the second day of October in the

evening, before the L. Archbishop's grace and the Council established in the north parts, to give his attendance upon them the next day by 6 of the clock in the morning, for and about Her Majesty's service, the said Sir John repaired to the said L. Archbishop and Council accordingly, when and where it was agreed between them and the said Sir John Savyle, by the motion of the said Lord and Council, that the said election should be made and proceed in form following, viz., that the Sheriff [1] at the hour appointed by the Statute should in full county read as well her Majesty's writ for the summons of the Parliament, as also a proclamation made and set forth by the said L. Archbishop and Council, the effect whereof was that no person thither assembled, except he were a freeholder of forty shillings per annum above all charges and reprises, should presume to give voice in the said election.

Item, that after the reading of her Majesty's writ the undersheriff did read unto the whole assembly a letter written by the Lords and others of her Majesty's most honourable Privy Council for the better direction of the said election. And after the reading of the same the said undersheriff was, by divers gent. and other freeholders then and there present, required to read the statutes touching the election of the knights of the shire for the Parliament, which he did openly read accordingly. And thereupon it was agreed by the said Sir John Savyle, Edward Stanhope, Esq., and the rest of the best sort of knights, esquires, and gent., being then and there in full county assembled, that certain names of such as would or should stand for the said election should be named and delivered in writing into the said Court, which was done accordingly, viz., John Savyle, knight, William Fairefax,

[1] Francis Boynton, Esq.

knight, John Stanhope, knight, Richard Mawliverer knight, and Thomas Hobby, knight.

Item, it was then and there agreed that five gent. of the best quality of either side, viz., for Sir John Savyle and Sir William Fairefax, William Wentworth of Woodhowse, Esq., Richard Gargrave, Esq., Thomas Wentworth of Elmsall, Esq., John Lacie, Esq., and Thomas Bland, Esq., and for Sir John Stanhope and Sir Thomas Hobbye, Sir Robert Stappleton and Sir Henry Constable, knights, Richard Wortley, Esq., William Inglebee, Esq., and Marmaduke Grimston, Esq., should be appointed to join with the undersheriff for a division of both parts to be made for a perfect view by them of the number of freeholders of either party. All which was effectuated accordingly.

Item, after full view had been taken by the said gentlemen for either of the said parties, it was by the said sheriff and all the said gent. agreed and confessed that the said people assembled and divided for Sir John Savyle and Sir William Fairfax's part were the greater number by many, and confessed by Mr. Wortley and the rest, which were appointed viewers of Sir John Stanhope's side and Sir Thomas Hobbie's, that they were more in number by 300 or 200 at the least. Whereupon some challenge or "acception" was taken by the said Mr. Stanhope and Sir Thomas Hobbye and others of that party that all persons for Sir John Savyle and Sir William Fairefax their party were not freeholders of forty shillings per annum *ultra repriss.*; whereupon this offer was made by the said Sir John Savyle and Sir William Fairefax: that if the said Mr. Stanhope and Sir Thomas Hobby would appoint sixteen or twenty of the best men of knowledge of the county to take view of the freeholders then and there assembled, if any person there present could be excepted unto, that he should have an oath ministered unto him by the said undersheriff according

to the statute in that case provided; to which offer the said undersheriff did then and there agree, and did publish the same to the said Mr. Stanhope and Sir Thomas Hobby and others of that party; yet did they refuse the same, and the said Sir Robert Stapleton and Mr. Wortley did shut the castle gates, and said they would have a particular examination man by man, which Mr. Undersheriff refused to do for lack of time convenient, by reason the day was so far spent and the number so exceeding great yet. He then offered and said that if any man would take exception to any person as he should go forth at the castle yard gate, that he would have him sworn according to the statute, which they likewise refused. And so shortly after Launcelote Lake, a bailiff of that county, did with the key open the great gate [1] after Mr. Wortley had opened the lower or lesser gate; whereupon the said undersheriff did at the said castle gates, before the departure of any man, publish and declare that the election of the said Sir John Savyle and Sir William Fairefax was made. And so then it was by the said sheriff's direction appointed that three hours after, the said sheriff and electors should meet at the said Castle in open county for the sealing of the indentures between the said sheriff and the said electors, according to the statute in that case provided. At which time (for the sealing of the said indentures) so agreed upon, the said undersheriff and electors did meet at the said Castle, and then and there in open county by proclamation did publish, in formal and peaceable manner, that the election aforesaid was made and performed for the said Sir John Savyle and Sir William Fairefax to be knights of and for the said shire or county of York for the next Parliament.

[1] This is an interesting reference to the Great Gate as being in use in 1597; fifty years afterwards it is described as walled up.

And thereupon were the said indentures openly read, and then and there sealed accordingly by the said sheriff, and divers the electors aforesaid. And then the Court was adjourned by Mr. Undersheriff.

The matters hereinbefore expressed and set down are to be proved and justified by these persons whose names are hereunder written, and who will upon their oaths (if need require) testify and depose the same—

Rich. Gargrave, Willm. Wentworthe, R. Beeston, Micha. Wentworth, Ro. Kaye, Jo. Lacey, Audray Coplay, Tho. Wentworthe, J. Jackson, Tho. Bland, and John Armytage.[1]

October 3, 1597.

Certified copy of a Petition to be brought before the Privy Council

1597, October 3.—"A declaration of the manner of proceeding at the election for the Knights of the shire of the county of York the day and year aforesaid in the castle yard of the same county (delivered by the gentlemen whose names are subscribed) to her Majesty's Council; being sent by the Lord Archbishop to the Castle of York upon complaint of some disorder there committed in the election of the Knights of the shire, and which the said gent. do desire may be by his lordship and the said council certified to the Lords of her Majesty's Privy Council."

On the evening of Sunday the 2nd of October, the undersheriff came to the Archbishop and Council with a message from Sir John Savile, asking that he might adjourn his county court to be holden the day following from the York Castle yard to a place called Heworthe Moor because the number that Sir John brought with him were so great that the Castle yard would not hold half of them, which if true his number would

[1] Cal. of the MSS. of the Marquis of Salisbury, part vii. pp. 411–13.

have amounted to 10,000 at the least. On the 3rd, the county day, about 8 o'clock, the writ of summons for electing the Knights being read, and Sir John Stanhope and Sir Thomas Hobbey and Sir John Savile being first nominated, Sir John Savile caused the sheriff to read certain statutes to all the freeholders, purporting that none should be chosen to that place but such as were resident in the county at the *teste* of the writ, and thereupon Sir John Savile took upon him, forthwith rising, to propound unto the people, " Will you have a Mallever or a Fayrefax ? " meaning to make Knights at his will, as is thought, or otherwise by several nominations to distract the voices of freeholders from others before named. After which the cries and voices of the people continued confused and divers by the space of two hours and more, for Sir John Stanhope, Sir Thomas Hobbey, Sir John Saville and Sir William Fayrefax : but for some good space after the first cries the number for Sir John Stanhope and Sir Thomas Hobbey seemed to be more in show than the other by 6 or 700. Afterwards the greater number seemed doubtful, and it was agreed that some indifferent gent. should be assigned to make trial of the same and to discern and distinguish the companies and voices of each part, first by view and then by trial of the polls for their freehold or residency, viz., for and on the part of Sir John Stanhope and Sir Thomas Hobbey, Sir Robert Stapleton, Sir Henry Constable, Knts., Richard Wortley, Robert Swift, Marmaduke Grimston, William Ingleby, Hugh Bethell, Esquires ; and on the part of Sir John Saville, William Wentworth of Woodhouse, Richard Gargrave, Averie Copley, John Lacye, Robert Keye, Thomas Blande, and Raffe Beiston, Esquires. Whereupon the companies on each part being severed and divided, the undersheriff with the said gent. went up into a chamber where they might reasonably see or discern

the companies and reasonably esteem of the great number of persons, with the result that they did esteem those that stood on the hillside for Sir William Fairfax and Sir John Savile (being next to the gate) to be more in number than the side for Sir John Stanhope and Sir Thomas Hobbey by about 200 persons, but the said gent. did think that there were on that side in number, citizens and inhabitants of York, women and children and other strangers not having lawful voices, to the number of 500 or 600. Whereupon it was further agreed by the undersheriff and the gentlemen triers that the companies should be further examined by polls upon their corporal oaths. The undersheriff and the gentlemen triers then proceeded to the gate, and the sheriff went thither and took paper with him, and the gentlemen sticks to take the number of them by scotches or marks, it being thereupon agreed that the company of Sir John Savile being nearest the gate should first be tried. The gentlemen and the undersheriff being come to the gate, it was agreed that the gate should be shut and no more let in on any side ; then that two of the gentlemen triers on either side should note or nick every score, and that all should be sworn and examined against whom any exceptions should be taken, and the undersheriff and his man John Perrington, and Nicholas Hall, clerk of the county, were all there for that purpose ; and Mr. Wortley did take a knife and stick to nick on the scores on the one side. Thereupon the undersheriff commanded the people back from out of the gateshead. Presently thereupon came Sir John Savile on horseback and called the undersheriff and demanded what he was about. He told him, to proceed to trial by poll according to agreement and law. He replied : " Though they would make you an ass they shall not make me a fool," and said he would no such trial, he would hold that he had, and after other more words commanded

the gate to be opened. The undersheriff replying that it might not be so, for he must do that the law requireth and which was agreed upon, reply was made by him, " Open the door or break it open," and himself pressed forward, and thereupon Sir Robert Stapleton and other gentlemen at the gate shifted themselves away as well as they could. But he and his company pressed on so forward that Sir Henry Constable and Mr. Mansfield were endangered of their lives, and then also the undersheriff went out with Sir John Savile without staying to proceed, whereby we knew not whether they accounted of any election made, which if it had been was not spoken of but for the first. After which, by the space of two hours or more, the Knights, esquires, gent. and freeholders on the part of Sir John Stanhope continued in the castle hall and yard expecting the return of the sheriff, to the end he should proceed to make trial of the polls upon oath as aforesaid, and sent for him, but he would not be found, being with Sir John Savile at dinner, till Sir John Saville and Sir William Fairfax returned together with the undersheriff who, first making proclamation of silence, immediately and without any further proceeding did pronounce Sir John Savile and Sir William Fairfax to be the knights lawfully elected, which thing was denied by the other part of Sir John Stanhope and Sir Thomas Hobby ; the rather that howsoever the trial had gone for the first, the second place should come for a second nomination and voices. But notwithstanding all that, he read the indenture of the return of the said Knights and adjourned the court.

(Signed) Edward Talbot, Robert Stapleton, Henry Constable, Richard Wortley, Robert Swifte, Heughe Bethell, Tho. Lascelles, Jo. Mansfield, Fra. Clifford, Tho. Fayrefaxe, Ed. Stanhope, Philip Constable, Marmaduke Grimston, Henry Cholmley, Jo. Mallorye, Ralphe Bubthorpe."

To supplement the latter account the prominent supporters of Sir John Stanhope, the defeated candidate, drew up a letter requesting him to carry the matter further, and "solicit the Queen" that they "may not by violence and practice" have free election taken from them. The partizans who favoured the return of Sir John Savile and Sir Thomas Fairfax, after the election, hastily forwarded the above official account of the proceedings to the Privy Council. The disappointed opposing parties were not to be outdone, and they also at once declared their version of the manner in which the polling had been conducted to be laid before the Council.

On October 5 the Lord President and his fellow members of the Council of the North sent up to the Privy Council further particulars of the contest, adding that the undersheriff had "dealt very affectionately against Sir John Stanhope and Sir Thomas Hobby." The Lords of the Queen's Council decided that Sir John Savile be required to appear before the Council of the North, but when a pursuivant was sent to his house, on October 15, it was found he had left for London. The undersheriff was brought before the Council at York; and was admonished for his improper practices; but he persistently replied that he had done nothing but that he might lawfully justify.

During the seventeenth century no less than twenty-nine elections for Knights of the Shire to serve in Parliament were held in the Castle yard. Some of the contests were characterized by illegal practices, and often the candidates were unseated; petitions and disputes were of frequent occurrence. Reminiscences of the many political conflicts having been recorded elsewhere,[1] here we have not space to particularize, but

[1] "The Parliamentary Representation of the Six Northern Counties of England." By W. W. Bean, 1890.

"The Parliamentary Representation of Yorkshire, from the

merely recite typical cases, showing how the Castle yard was utilized for such purposes.

Twenty-eight elections took place during the eighteenth century, and that of 1734 seems to have caused the most commotion and interest in the county during the period mentioned. Sir Miles Stapylton, Cholmley Turner, Sir Rowland Winn, Bart., and the Hon. Edward Wortley Montague were the candidates. The polling commenced May 15 and lasted until the 22nd. Evidently some little improvement had been made in the mode of recording the votes, which was accomplished at several temporary booths erected in the Castle yard.

Immediately on the closing of the poll books, in which were entered the names and addresses of the electors and for whom they voted, Sir Rowland Winn demanded a scrutiny which the sheriff reluctantly agreed to, but in the clamour no scrutiny took place. Subsequently the Government were petitioned to inquire into the notorious abuses and base artifices alleged to have been practised at the election.

The persons who had charge of the several booths were requested to investigate the following queries on behalf of the returned member—

"Sir,—

"You are desired to inquire, whether

I. Any have poll'd twice?

II. Any under age have poll'd?

III. Any Names appear of such Persons who actually did not come to York?

IV. Any have poll'd, and have not Estates in the Town sworn to?

Earliest Representative Parliament on Record, in the Reign of King Edward I. to the Dissolution of the twenty-second Parliament in the Reign of Queen Victoria." By Richard Park, 1886. Cf. "Chapters in the History of Yorkshire." By James J. Cartwright, M.A., 1872, pp. 222, etc.

V. Any have poll'd, and cannot be found in the Place of Abode sworn to ?

VI. Any have poll'd for Leasehold or Copyhold ?

VII. Any (being Purchasers) have not been in Possession a Year ?

VIII. Any have poll'd for Houses built upon the Waste of the Lord of the Manor ?

IX. Any appear not to have 40*s*. a Year, clear of all charges ?

X. Any appear not to have paid Assessments and Taxes in proportion with others of the same place, 40*s*. a year ?

XI. What Parish Clerks, Singing Men, and Almsmen have poll'd ?

" It is desir'd that you will inquire into the illegal Practices of Justices of the Peace, or of others by Colour of their Authority, both before and since the Election ; into the Practices of those who made Use of the authority of the AB. of York, and of his Officers, before and since the Election into the Prosecutions for pretended Riots ; into any Instances of Bribes paid or offer'd ; and to send such Discoveries as you can make by a safe hand to Sir M. Stapylton at Myton."

The Government adjourned the investigation and the petitioners renewed their suit on several occasions and vehemently maintained that the freedom of election had been violated and invaded. The petitioners were eventually heard before the Bar of the House of Commons, the proceedings lasting many days, intermittently from January to May, 1736. The hearing was adjourned again, and as the expenses were so great the petition seems to have been withdrawn, and Sir Miles Stapylton retained his seat.

According to accounts appearing in the *London Evening Post* for May 20, 22 and 29, 1736, there were great rejoicings in York on the announcement of the withdrawal of the petition against Sir M. Stapylton.

The cathedral bells rang in token of the country interest; ladies and gentlemen, gaily dressed, wore blue cockades. Almost all the windows in the city were illuminated with candles, each householder endeavouring to outvie the others. Bonfires were lighted in almost every highway; and across several streets stretched garlands, decked with flowers, intermixed with a great number of candles; gaily decorated boats, with music, plied on the river; the healths to the King, Queen and Royal Family, and all who supported Stapylton were drunk. The rejoicings appear to have been pretty general in all towns of the county.[1]

A Parliament having been called, to be holden on June 22, 1807, the usual writ directed to the Sheriff for the election of knights of the shire was tested at Westminster, April 30, and on May 4 it was delivered to the Undersheriff, Mr. Jonathan Gray, of York. The same day proclamation was made by the County Clerk of a special County Court to be holden at the Castle of York on Wednesday, May 20 for the election of two knights of the shire.

On the day appointed the business of the County Court was opened at the hustings in the Castle yard, and the candidates proposed were William Wilberforce, Esq., the Hon. Henry Lascelles and the Rt. Hon. Lord Milton. Upon a show of hands the High Sheriff (Richard Fountayne Wilson) declared the majority to be in favour of Lascelles and Milton, whereupon a poll was demanded by Wilberforce which commenced the same day, and continued fifteen days. In Court the High Sheriff presided in person, or by his Undersheriff, and the disputed votes were determined by the Sheriff's Assessors, Samuel Heywood and John Bayley, Esquires, Serjeants-at-Law.

The poll was taken in the Castle yard, at thirteen

[1] Quoted in "Parliamentary Rep. of Six Northern Counties," p. 652.

booths, amongst which the Wapentakes were apportioned according to a previous agreement between the committees of the three candidates. In the different booths the Sheriff had a deputy to put the usual questions, and a poll clerk to record the votes, both of whom were sworn to take the poll. In every booth each of the candidates was allowed to have, in addition to his check clerk, an agent to object to the doubtful votes, and a messenger to conduct the voters objected to into court, either to the Assessors or to the Commissioners for administering the oaths.

The poll was open daily from nine in the morning to five in the afternoon, except on the first and last days. On the latter days of the poll, when the number of objections to votes increased, the Sheriff, with his Assessors, continued sitting till eight in the evening. Those freeholders whose right to vote was established were allowed to poll in court. In this case, their votes were added to the numbers of the next day's poll. On the fifteenth day, June 5, about two hours after the close of the poll, the High Sheriff declared William Wilberforce, Esq., and the Rt. Hon. Lord Milton to be duly elected ; after which the indentures of return were executed.

The votes recorded at the conclusion were as follows : for Wilberforce, 11,806 ; for Milton, 11,177 ; and for Lascelles, 10,989.

During the fifteen days' contest no fewer than 23,000 freeholders travelled to York to record their votes. The roads in all directions were thronged day and night with coaches, barouches, gigs, fly-wagons, and military cars drawn by eight horses, busily conveying voters, who came from the remotest corners of the county. Thousands of freeholders remained in York until the close of the poll ; the excitement was intense, and all inns and taverns were crowded during the eventful occasion. The whole county was, during

the election, in a most violent state of agitation. The towns in the West Riding were frequently the scenes of tumultuous riots and the military had often to be called out to aid the civil authorities in keeping order. Everything was done that money or personal exertion

WILLIAM WILBERFORCE, M.P.

could accomplish, party spirit being wound up to the highest pitch by the partizans of the two noble families engaged in the conflict, the efforts were prodigious and the excitement maddening. This memorable contest cost the houses of Wentworth and Harewood upwards of £200,000.

This election was one of the most celebrated contests in the history of British electioneering.[1] The real struggle was between Lord Milton, who had just attained his majority, and the Hon. Henry Lascelles (afterwards Earl of Harewood). William Wilberforce, the philanthropist and slave abolitionist, was an old and tried member in whose election all parties concurred. He headed the poll, an honourable position he had held at five previous elections, being first returned for the county in 1784.

In 1826 the county for the first time returned four members. Grampound, in Cornwall, having been disfranchised for bribery, the two vacant seats were allowed to Yorkshire. The members elected were Viscount Milton, William Duncombe, Richard Fountayne Wilson and John Marshall.

Richard Bethell was a candidate, and was nominated on the hustings, June 12, but withdrew before the election. Though no poll was taken the expenses amounted to £150,000. The scene in the Castle Yard was a very imposing one, the gates were opened at nine o'clock on the election day, June 21. Five polling booths had been erected, orders for the remaining seventeen had been cancelled when the Sheriff received notice of Mr. Bethell's retirement from the conflict. At twenty minutes to ten o'clock Lord Milton and Mr. Marshall, habited in blue as knights of the Shire, with full dress hats and swords, riding on richly caparisoned horses, arrived in the Castle yard. They were accompanied by a multitude of freeholders with a band of music, and several banners were displayed bearing political cries and mottoes. About ten o'clock Mr. Wilson and Mr. Duncombe entered the yard,

[1] The Under-Sheriff, Mr. Jonathan Gray, published in 1818, "An Account of the Manner of Proceeding at the Contested Election, for Yorkshire, in 1807, chiefly relating to the office of Sheriff."

similarly habited as Knights of the Shire. Their approach was heralded by three trumpeters on horseback, dressed in blue with silk jackets and jockey caps. The blue partizans carried staves decorated with their party colours, and about fifty banners fluttered on the breeze.

After many attempts at speech-making, which were overpowered by opposing bands of music, the Sheriff eventually declared the candidates duly elected. The newly-elected knights were driven away in richly-painted chariots drawn by six horses sumptuously decorated with appropriate favours. Arriving at their respective hotels the members and their friends spent the remainder of the evening in feasting, conviviality and health drinking.

In 1831 the last election for the whole county took place in the Castle yard. The great Parliamentary Reform Bill of 1832, which took away the right of representation from fifty-six decayed or "rotten" boroughs, re-arranged the franchise system, and allotted members to counties or large towns which had not previously sent members to Parliament. The qualification of householders in boroughs was established at £10, and the county franchise was extended to leaseholders and copyholders. The same statute readjusted the electoral districts, and each of the three Ridings of Yorkshire was represented by two members. The results of the poll of the seventeen subsequent elections for the North Riding were declared in the Castle yard, the last occasion being in 1882, when the Hon. Guy C. Dawnay and Samuel Rowlandson were returned.

By the Redistribution Act of 1885 the Ridings were divided into new Parliamentary Divisions and thus ceased the time-honoured election contests on the Castle Green. Year in, year out, little happens now within the grim encircling walls. All is peace, and almost silently the prison warders traverse the green as they

walk backwards and forwards to their quarters in the old Debtors' Prison. The stillness is only disturbed by occasional groups of curious tourists who pass through the portals of the massive gateway and for a while pause and listen to the amazing story which the custodian of Clifford's Tower relates with pride. They leave the precincts of the venerable keep thrilled with memories of bygone days and the place is again deserted.

The last and most recent representative gathering of Yorkshiremen in the Castle yard took place on May 12, 1910; when the Sheriff of the County, Mr. F. J. O. Montagu, proclaimed King George V. with all due ceremony. The Sheriff wore levée dress on the occasion, and the Lords Lieutenant their uniforms, and the liveried retinue of the Sheriff added a picturesque effect to the historic scene. Grouped on each side of the platform was a distinguished company of local dignitaries, including the Lord Mayor of York (Alderman James Birch) and the Sheriff of the City (Councillor Forster Todd), the Dean of York, County Magistrates and other gentlemen.

Before the scroll was read a couple of trumpeters sounded a fanfare. The proclamation was then read in clear and distinct tones, and on the High Sheriff declaring the final "God Save the King," the band in attendance struck up the National Anthem, which was afterwards sung by the boys of St. Peter's School, who stood at the base of the court steps. The assembled people took up the refrain, the trumpeters sounded another fanfare, and then the hoary walls resounded with lusty cheers for the new King.

PROCLAMATION OF KING GEORGE V.

CHAPTER XXI

MILITARY GOVERNORS AND CONSTABLES OF THE CASTLE

Norman Governors—Sheriffs as constables—John de Marshall displaced, 1190—Geoffrey de Nevill, keeper of King's Castles in Yorkshire, 1216–23—Robert de Nevill, constable, 1263—John de Lithegrains appointed, 1280—John de Moubray, keeper of the city and county, 1312—William le Latimer, keeper of the city, 1323—Henry de Faucomberge, constable, 1325, surrenders office—Custody of Castle granted to Sir Henry Percy, 1470—Sir Robert Ryther appointed constable for life, 1478—Robert Ryther, keeper in 1636—Cliffords not hereditary constables—Sheriffs' Roll.

WILLIAM THE CONQUEROR made it an important point, in his conquest and government of England, that the chief castles of the realm should be retained as royal castles. Their actual acquisition was always a matter of moment in the policy of both him and his successors so long as castles were of consequence. From the first he seems to have avoided the danger of uniting extensive hereditary jurisdictions; and he governed the counties through the intervention of *vice comites*, or sheriffs, who were appointed, and could be displaced, at will.

York Castle, like many other important Crown fortresses, was a purely military bulwark, and one of great strategic value in the North; hence the keepership was invariably vested in the successive sheriffs of the county, who also had custody of other castles in their bailiwick.

William Malet, with Robert fitz Richard and Gilbert de Ghent, had charge of the first Norman fortress erected at York—the Castle of the Old Baile. Malet had command of a strong garrison to secure possession of the city, and his name appears as the first sheriff of Yorkshire. In the autumn of 1068 he was attacked by the Northumbrians, but by the timely arrival of the King and his army the situation was saved. William the Conqueror strengthened his position at York by the erection of a second castle on the opposite bank of the Ouse, and left it in charge of William fitz Osbern, with Malet and Ghent as co-commanders of the two garrisons. After the sacking of the castles and the capture of Malet by the Danes and Northumbrians in 1069, it seems Hugh fitz Baldric was appointed sheriff, and constable of the Castle. In 1072 William de Perci held the same office.

Subsequent sheriffs of the Norman period it is presumed were military governors at York, responsible for the safety of the Castle and keeping it in repair. We occasionally find their names mentioned as governors during troublesome times or when special duties had to be performed. A few typical entries will help the reader to understand the manner in which the Castle and county were governed in mediæval days.

John de Marshall, the sheriff, who in a manner permitted the massacre of the Jews in the Castle in 1190, was displaced during his term of office, and Robert de Longchamp was appointed to the keepership, which he retained until Michaelmas 1191.

Geoffrey de Nevill, who was sheriff from February 4, 1216, to Michaelmas 1223, is described as keeper of the King's castles in Yorkshire. Robert de Creppinge, sheriff and governor from 1250 to 1253, unlawfully appropriated to the King's use as much land as was flooded yearly by the Royal Fishpond of Fosse.

This was an offence which the Master and Brethren of the Leper Hospital of St. Nicholas resented,[1] and many years elapsed ere they were permitted to enjoy their rights of pasturage.

The affairs of the sheriff and Castle governor, Robert de Nevill, who held office in 1263, were not settled for some years, and in 1276 the following royal mandate is recorded—

"May 7, 1276. To the treasurer and barons of the Exchequer. Order to audit the account of Robert de Nevill for the time when he had the custody of York Castle, and to cause allowance to be made to him for the victuals and other things that he expended in the munition of the Castle, save the dead stock and other things that he found in the Castle, as the late King committed the Castle to Robert by letters patent in the time of the late disturbance in the realm, promising that he would cause allowance to be made by an account to be made in the exchequer for the costs of Robert in victuals necessary for the munition of the Castle, saving to the said King the dead stock and other things in the Castle at the time of the commission, for which Robert was to answer as above." [2]

King Edward I., November 15, 1280, appointed during pleasure, "John de Lithegrains to the custody of the county and Castle of York, so that he render yearly at the Exchequer as much as Alexander de Kirketon (1274–78) and Randolph de Dacre (1278–80), late sheriffs, used to do." [3]

In 1294 John de Byron, sheriff of Yorkshire, was styled "warden of the city of York."

Gerard Salvayn, appointed sheriff in March 1311, held the office the succeeding year, and was aided in his arduous duties by the appointment, during the

[1] See "York: the Story of its Walls," pp. 68–72.
[2] Cal. Close Rolls, 1272–79, p. 283.
[3] Cal. Pat. Rolls, 1272–81, p. 404.

King's pleasure, July 10, 1312, "of John de Moubray to be keeper of the city of York and of the entire county of York, for the preservation of the peace and tranquility of the people in that county, with power to inflict punishment on all ill-disposed persons and rebels." [1]

At this time the barons were struggling with their King, Edward II., to obtain a more constitutional form of government. They appeared in arms, captured Piers Gaveston, the King's favourite, and put him to death. During the dissension there was an utter absence of all authority in the boroughs and throughout the country, lawlessness reigned supreme; hence the following mandate to the keepers of the county of York—

"August 15, 1312. To John de Moubray, keeper of the county and city of York, and to Gerard Salvayn, sheriff of that county. Order to take the city and liberty of the same into the King's hands if it shall seem to them that it ought to be taken into the King's hands for default of custody heretofore or at this time, and to safely guard the same, arresting men of the city who are suspected of evil, and to detain them until the suspicion be removed. The King orders that if Henry de Percy or Robert de Clifford or any others who have withdrawn themselves from the King whom the said John and Gerard suspect of evil attempt to enter the city, the said John and Gerard shall in no wise distrain, etc." [2]

A perquisite of the sheriffs of this period is also recorded which perhaps is worth mentioning here—

"February 20, 1312. To the keeper of the Forest this side of Trent, or to him who supplies his place in the forest of Galtres. Order to assign to the sheriff of York what remains to be felled of the 100 oaks that

[1] Cal. Pat. Rolls, 1307–13, p. 479.
[2] Cal. Close Rolls, 1307–13, p. 477.

the King ordered to be felled in that forest for his firewood, and to permit him to fell them where least damage will be done to the forest and in places nearest York.[1]

In 1323 William le Latimer was appointed during the King's pleasure " to be keeper of the city of York, provided he retains with him twenty men at arms at the King's wages, for the better keeping of the said city; power also for him to punish those whom he shall find disobedient in what concerns the said custody of the city." [2] A writ of aid for him was also dispatched to the mayor, bailiffs and whole commonalty of the said city.

As the disastrous reign of Edward II. was fast drawing to a close, state officials were hurriedly appointed and dismissed, in the King's unstable and feeble efforts to govern the country: " March 5, 1325. To Henry de Faucomberge. Order to send into chancery without delay to be cancelled the King's letters patent committing to him the custody of the county of York and the Castle of York from Easter next during the King's pleasure." [3]

On March 26, 1470, Edward IV. appears to have been at York and to have granted to Sir Henry Percy, knt., custody of all castles in Yorkshire including that of the Castle of York.[4] In November 1478, Sir Robert Ryther, knt., was appointed for life " constable of the Castle of York and a tower situated by it, both of which the King intends shortly to repair, and grant to him for life 20 marks yearly from the customs and subsidies in the port of Kyngeston on Hull, with all other profits pertaining to the office of constable." [5]

[1] Cal. Close Rolls, p. 403.
[2] Cal. Pat. Rolls, 1321–24, p. 234.
[3] Cal. Close Rolls, 1323–27, p. 261.
[4] Cal. Pat. Rolls, 1467–77, p. 206.
[5] Cal. Pat. Rolls, 1476–85, p. 127.

In 1636 Robert Ryther, who we believe was the last of his race, was keeper or constable of the Castle, and he petitioned the King's Council,[1] praying that the House of Correction be built, as the gaol and Castle were insecure and prisoners escaped.

The Castle works had been neglected and allowed to fall into decay. Its defensive towers were dilapidated and ruinous, and the once strong fortress was no longer found suitable for a military centre, but was merely used as the county prison. Clifford's Tower was the only portion left that could be utilized by the military, and for a few decades in the seventeenth century it was garrisoned and kept by governors.[2]

Drake, the historian of York, presumed that the members of the Clifford family were hereditary governors or constables of the Castle.[3] He cites no authority for his belief, which is unfounded. Although most of the early records have been searched, we have not found that the Cliffords held any such appointment.

As the Sheriffs of Yorkshire were the highest Crown officials in the county and had charge of the Castle all down the centuries, we venture to give an authentic list of sheriffs[4] which has been compiled by the archivists of the Public Record Office, London. For the information of archæologists and others we may mention that Mr. Robert Hardisty Skaife, a painstaking Yorkshire antiquary, has compiled a list of Yorkshire sheriffs which contains voluminous biographical and other notes. This list is now in the possession of the Yorkshire Philosophical Society at York.

[1] State Papers, 1636–37, p. 307.
[2] See Chapter XIV.
[3] "Eboracum," p. 289.
[4] See Appendix K.

CHAPTER XXII

GAOLERS AND PRISON GOVERNORS

Earliest mention of Gaol, 1205—Wage of gaolers—First recorded gaoler, 1280—The Crown appoint gaolers—High Sheriffs claim the right of appointment, 1549 and 1577—Gaolers remunerated by prisoners' fees—Felons to be discharged without paying fees, 1727—Office of gaoler not to be purchased, 1716—John Howard's prison reforms—Gaolers styled governors, 1839—Prisons Act, 1878 and its operations—List of Gaolers and Governors from 1280–1900, and particulars of their appointment.

THE earliest mention of the gaol, within the Castle, occurs in 1205, the sixth year of King John's reign. During Henry III.'s reign payments to gaolers were frequently recorded on the Pipe Rolls, their wage being at that time one penny per day; but their names do not appear. In 1280 we learn the name of the gaoler, Henry le Esqueler, and he heads our List of Gaolers compiled from State Papers and Local Records; it gives some very interesting and curious details as to who were, and why they were appointed to the office of gaoler. The Crown generally granted the gaolership to some faithful servant, or to a soldier who had bravely served his King in some warring expedition.

We, in our time, can hardly realize the callousness practised by these farming gaolers. They, free from government control, cruelly preyed upon their prisoners, who, strange to say, had to pay a fee on entering gaol and another before the gaolers would set them

free. Many were kept in prison after their terms of sentence had expired, because they were penniless and unable to fee or bribe their keepers for release.

It was not till April 11, 1727, that the Justices of Yorkshire ordered the gaoler at York to discharge felons on the expiration of their sentences without demanding a fee. The Parliament, indifferent to the reformation of prison life and having slight influence over the management of gaols, moved a little in 1716, when an Act was passed which imposed a fine of £500 on any one who purchased the office of gaoler.

The cruelties and sufferings endured in the dungeon, particulars of which occasionally found their way into the apathetic social circle, aroused a few humane individuals to efforts at prison reform.

The criminal law was so hopelessly corrupt that nothing of importance was achieved until John Howard, the prison philanthropist, devoted his life to a great crusade against the abuses of the system. In consequence of the information he laid before the House of Commons two bills were brought forward for the better regulation of prisons. The first of these enactments, passed March 31, 1774, declares that all prisoners against whom no bills of indictment shall be found by the grand jury, or who shall be discharged by proclamation for want of prosecution, shall be immediately set at large in the open court, without payment of any fee or sum of money to the sheriff or gaoler in respect of such discharge. The Act abolished all such fees for the future, and directed the payment in lieu of them, of a sum not exceeding 13*s.* 4*d.* out of the county rate—or out of the public stock of cities and towns not contributing to such rate.

Howard visited York Castle during the gaolership of William Clayton who, he states, received no official salary.

On August 17, 1839, an Act of Parliament was passed

allowing gaolers to be appointed under the style of governors. By the Prisons Act which came into operation April 1, 1878, the sheriff's and magisterial authority ceased, and the government assumed entire control, and appointed the governors, of all prisons and gaols.

Gaolers, Prison Governors and Custodians of the Castle Gate

A.D. 1280. Henry le Esqueler was granted May 5 during good behaviour, the bailiwick of the custody of the gate of York Castle and the custody of the prison of the said Castle. He was also Keeper of the King's Fishpond of Fosse. He received as much as other keepers had been paid (Cal. Pat. Rolls, 1272–81, p. 369).

A.D. 1304. Gilbert de Milford, who had been deputed by the Sheriff (Simon de Kyme) to the custody of the gaol, was charged May 10, 1304, with allowing and abetting the escape of certain prisoners (C.P.R., 1301–07, p. 224).

A.D. 1332. Henry Miles was appointed December 16 to the custody of the gate of York Castle, without rendering anything therefor, with a proviso that he had not to be removed from such office except by the King's special mandate. On January 26, 1333, the King, Edward III., revoked this appointment on learning from the Sheriff of the County that there was a yearly charge of forty shillings against the Sheriff in his account for the custody of the said gate (C.P.R., 1330–34, pp. 384, 392). Miles was re-appointed on October 22, 1334, as the Treasurer and Barons of the Exchequer certified that nothing was answered at the

Exchequer towards the farm of the said county for such custody (C.P.R., 1334–38, p. 36). Miles remained in office, and his Letters Patent under the great seal then in use were examined and attested May 12, 1341. (C.P.R., 1340–43, p. 192).

A.D. 1339. John de Tesdale, for his good service in Scotland and beyond the seas, was granted November 29 the custody of the King's gaol in the Castle to hold during good behaviour, receiving the same as others in the office (C.P.R., 1338–40, p. 344).

A.D. 1371. Richard de Sutton was porter of the gate.

A.D. 1374. Alexander de la Botellerie, servant of King Edward III., was granted March 15, during the King's pleasure, the office of porter of the gate of the Castle, in the room of Richard de Sutton, deceased. Botellerie was retained on the accession of Richard II. and his letters patent were inspected and confirmed on behalf of the King, March 17, 1378 (C.P.R., 1378, p. 169). This custodian of the gate lost his papers, and on December 1, 1389, he was allowed an attested copy of his original grant (C.P.R., 1389, pt. ii., p. 166).

A.D. 1377. William de Tyryngton received October 5, by grant of Richard II., the custody of the King's gaol within York Castle for life, personally or by deputy (C.P.R., 1377–81, p. 27).

A.D. 1385. William Halgate. On December 3 Tyryngton voluntarily surrendered the Keepership by the assent of King Richard II., and granted his interest to William Halgate, who was permitted to hold it for his life, and if he died during the lifetime of Tyryngton then

his assigns were allowed to retain the office during the life of the said Tyryngton (C.P.R., 1385–89, p. 60). The King on September 10, 1388, unwittingly granted the keepership to William Stransell, one of the grooms of the chamber (C.P.R., 1385–89, p. 505). Halgate being disturbed in his possession of the office petitioned the King, who directed the Sheriff of Yorkshire to notify to Stransell to show cause why the grant of September 10, 1388, should not be revoked. The Sheriff returned answer that Robert de Louthe, John de Askham and John de Lyndesey, bailiffs of York, reply that on summons by John de Kirkham and John de Sherman, both parties appeared in Chancery when the said Stransell could say nothing against the revocation; whereupon it was decided, by the advice of the justices, serjeants, and others of the King's Council, that the revocation should issue. The grant to Stransell was surrendered and revoked November 23, 1388 (C.P.R. 1385–89, p. 528).

A.D. 1390. THOMAS UPTON, one of Richard II.'s butlers, was granted January 13 the office of porter of York Castle (C.P.R., 1390, pt. iii., 225).

A.D. 1391. JOHN HALTON was granted the office of porter of the gate with the usual fees, upon the surrender of letters patent granting the same to Thomas Upton, yeoman of the butlery, at the latter's request (C.P.R., pt. ii., p. 378). Halton was granted March 27, 1391, the office of gaoler of the Castle for life (C.P.R., 1391, pt. ii., 391).

A.D. 1392. SIMON ELVYNGTON was granted February 20 the portership of the gate for life (C.P.R., pt. ii., p. 378).

A.D. 1400. Henry Maunsell, King's esquire, was appointed February 8 gaoler, and porter of the gate, with the accustomed fees, wages, and other profits for the offices of gaoler and keeper, and 2*d*. daily for the wages of porter of the hands of the sheriff of the county (C.P.R., 1400, p. 192).

A.D. 1437. John de Leventhorp. A pardon was granted to John Leventhorp, otherwise called John de Leuenthorp of Clevyland, otherwise called John Leuenthorp of Clyveland, late gaoler and janitor of York Castle, otherwise called John Leuenthorp, gaoler of Lord Henry, late King of England, father of the (present) King for the Castle of York, otherwise called John de Leuenthorp, esquire, dated June 20, 1437 (15 Henry VI., Pardon Roll, m. 18).[1]

A.D. 1461. William Barlay was granted August 6 the office of keeper of the gaol for life, with the accustomed fees. The like to the said William of the office of porter of the gate (C.P.R., 1461, p. 44). William Barlay was a mercer and citizen of York. He was admitted to his freedom in 1431; he was one of the city Chamberlains in 1447–48; Sheriff in 1450–51; and M.P. 1461. He died in 1467, and was buried in St. Mary's Church, Castlegate, near the tomb of his wife Alice, for whose admittance as a Sister of the Mercers' Guild XXd. was paid by her husband. His will, dated 27th Aug., 1467, was proved Oct. 7 following. (*Reg. Test.* IV., fo. 189.)

A.D. 1467. William Claybroke, the King's servant, yeoman of the King's larder, was granted September 4, for life, the custody of the gaol,

[1] "Wakefield House of Correction," by J. H. Turner, p. 39.

with the portership of the gate, with the accustomed fees (C.P.R., 1467–77, p. 333).

A.D. 1468. JOHN HYNDE was granted June 8, for life, in lieu of a like grant to William Claybroke by letters patent, surrendered because invalid, the office of porter of the gate and the office of the custody of the gaol, with wages of *2d.* daily from the issues of the County of Yorkshire and all other accustomed fees (C.P.R., 1468, p. 92).

A.D. 1471. THOMAS LITTON, the servant of King Edward IV., for his good services beyond the seas and in England was granted June 22, for life, the keepership of the gaol, with the accustomed fees (C.P.R., 1471, p. 260).

A.D. 1472. JOHN STEVERS, the King's servant, was granted October 30, for life, the custody of the gaol with the portership of the gate with the accustomed fees (C.P.R., 1472, p. 362).

A.D. 1476. JOHN LYOTT, yeoman, gaoler, was pardoned October 13 for allowing the escape of a prisoner on September 26 named Joan Williamson, and the consequent forfeiture of £100 or other fine incurred by him was remitted (C.P.R., 1476, p. 3).

A.D. 1483. HENRY HIXE was granted December 20, during King Richard III.'s pleasure, the office of porter of the gate, and the fee of *2d.* daily at the hands of the receiver of the King's Lordship of Sheriff Hutton (Sherefhoton) co. York (C.P.R., 1483, p. 412).

A.D. 1484. ROBERT NIGHTYNGALE was granted January 8 during the King's pleasure the keepership of the gaol with the accustomed fees as John Styvers had (C.P.R., 1484, p. 418).

A.D. 1484. RICHARD MERSSHETON, the King's servant, was granted April 17 the office of keeper

of the gaol, with the accustomed fees as Robert Nightingale had in the office (C.P.R., 1484, p. 392).

A.D. 1485. JOHN LABEROK was granted April 5 the office of gaoler and custody of the gate, receiving 2*d.* daily for the office of porter from the issues of the Castle and Lordship of Sheriff Hutton, with the accustomed fees for the custody of the gaol and all other profits (C.P.R., 1485, p. 532).

A.D. 1537. . . . BUCOCK, gaoler of the Castle (C. State Papers, 1537, p. 323).

A.D. 1541. MILES WHITELL, keeper of the gaol.

A.D. 1541. CHRISTOPHER CHAPMAN, a yeoman of the guard, was granted in October the keepership of the gaol, and the herbage on the earth-banks within the precincts of the Castle (C. State Papers, 1541, grants 1308, 32).

A.D. 1549. WILLIAM TYNDALL. In the Acts of the Privy Council of England (1549, vol. 2, p. 405) it is recorded March 4 that: "Letters to therle of Shrewisbury, Lord Presydent in the Northe, to heare the mattier in question betwene Sir William Caverley, Shrief of Yorkshire, and William Tyndall touching the keping of the Castell and Gaoll of York, wherof Tyndall pretendeth to have letters patentes."

A.D. 1557. OSWALD WILKINSON, appointed gaoler (Twyford, p. 69).

A.D. 1558. ROBERT LEE, appointed jointly with Wilkinson. Oswald Wilkinson appears to have been considered a seditious person. A newswriter, in a communication sent from York, February 6, 1569–70, and addressed to Sir William Cecil, speaks of him as follows: 'Amongst other Rebells of the northe partes sent uppe as prisoners, there is one, Oswald

Wilkinson, Jaylor or keper of the castle of Yorke ; of whom I of conscience am enforced to advertise you as followethe which is undoubted trewthe. This man assuredlye is the most pernicious, railinge, and obstinate papiste in all this countrie, so reputed and taken of all men, and therein he gloriethe. A lytle before this late rebellion burste owte, he openly ware the ensigne and badge of thordre of those rebelles, which Markenfield and the rest dyd weare, yt was a great crucifyx of gold about his necke. And journeing towards the sowthe about the erles busynes as is suspecteth, at Newarke uppon Trente, did openly and stowtely pronounce and utter, in the heringe of Mr. Henrison, Alderman of that towne, that within four dayes the masse shold be as openly said in Yorkeshire, and as frely for all men to repaire unto, as ever the Communion was ; which he colde not knowe excepte he had bene of the conspiracie or privie therunto. Of this I have witnesses, Gregorie Paicocke, Alderman of Yorke, Raufe Micklethwaite, William Broke, merchants and others" (Cal. Domestic Papers, Addenda, Elizabeth, vol. xvii). Wilkinson was tried as a traitor in 1570, and on November 28, 1572, he was drawn from the Tower of London to Tyburn, and there hanged and quartered.

A.D. 1571. PETER PENNANT was appointed by Charter of Queen Elizabeth. The document informs us that he was " Keeper of the gaol and the office of keeper of the Castle of York, and the grass within the precincts of the Castle with all cellars, houses, barns, stables, gardens, and the property of all prisoners and

persons by the mandate of the Counsel with the fees purtaining to the office." The High Sheriffs of Yorkshire from time immemorial were primarily responsible for the safe-keeping of the prisoners in the Castle gaol and they occasionally contended that it was their prerogative and privilege to appoint the resident gaoler. Amongst the Acts of the Privy Council of England (vol. x, p. 144) we find several notices referring to such disputes. The Clerk of the Council was requested on January 13, 1577, to write the following: "To the Justices of Assize in the county of Yeorke, where there is a controversie betwixt Mr. Peter Pennant, one of her Majesties foure Gentlemen Ushers, of the one partie and the Sherife of Yeorkeshire in the other partie, about the use of the gaole and prisoners there, Mr. Pennant clayming by her Majesties Letters Patentes and the Sherife by his office, they be required to take viewe of the said Patent, and thereupon to pronounce their judgment in lawe, and the same to signifie unto their Lordships under their hands, that thereuppon furder order may be taken for a quiet ende without contencion in lawe" (Acts of the Privy Council of England, vol. x, p. 144).

The dispute was again before the Privy Council, April 14, 1578. "A letter to the Lord Chief Justice of England, Lord Chief Justice of the Common Pleas and Mr. Attorney and Sollicitour Generall, or any three of them, that wheras there is some controversie for the keeping of the Castell and Gaile of the cite of Yorke betwene Piers Pennant, one of her Highnes' Gentlemen Ushers, who pre-

tendeth a graunt of that office by her Majestie's Letters Patentes, and Sir William Fairffax, knight, who uppon pretence of being High Sheriff for the time of the Countie of Yorke, hath of late empeached the said Pennant and his deputie in the exercise of the said office ; they also required, insomuch as the said Pennant cannot (*sic*) to followe the lawe by reason of his continuall attendance about the service of her Majesties person, uppon the perusing of his Letters Patentes and such informacions as he shall deliver unto them in that behalf, to sende their opinions unto their Lordships touching the validitie of the grant aforesaid, and what order they thincke meete to be taken betwene the said Pennant and the Sheriffes for the time being for both their satisfactions and discharges, that theruppon their Lordships (etc.) " (Acts of P.C. of E. vol. x, p. 212).

The Privy Council further considered the matter on July 7, 1578, and the following was addressed to the Earl of Huntingdon, President of the Council of the North at York: 'A letter to the Erle of Huntingdon that wheras uppon informacion heretofore geven unto their Lordships by Pieres Pennant, one of Gentlemen Ushers of her Majesties Chamber, that he havinge by her Majestie's Letters Patentes graunted unto him the office of the keepinge of the Castell and gaole of Yorke, his Deputie nevertheless was empeached in the exercise thereof by Sir Wm. Fairfax, knighte, Highe Sheriffe for this yere of that countie, claiming interest thereto under pretence of keepinge of such prisoners as during his Sherifwicke he should be charged

with ; their Lordships referred the same to the two Lordes Chiefe Justices and her Majesties learned Counsell, that uppon perusinge of the said Letters Patentes they should advertise their Lordships of their opinions therein what were convenient to be done in lawe, who having retorned aunswer accordinglie, the copie wherof their Lordships sende herin inclosed, his Lordship is required uppon consideracion therof accordinge to the same to take some such composicion and order betwene the said Piers Pennant and Sir Wm. Fairffax as maie reasonablie suffice to save him and the Sheriffe for the tyme being harmeless for such prisoners as sholbe committed to that place, and the said Pennant be not frustrated of the benefit of her Majestie's said graunte, as by enteringe uppon the said office and the profites therto belonginge he enformeth hath ben heretofore don by the said Sir Wm. Fairffax, etc., for which his Lordship ys requred to take some reasonable order and composicion betwene them" (Acts of P.C. of E., 1577–78, p. 279).

A.D. 1596. Robert Redhead is recorded as the gaoler this year, though the date of his appointment has not been discovered ; he may have been Pennant's immediate successor. Redhead was a notorious character. His name appears frequently in the Cecil Manuscripts at Hatfield House, and, strange to relate, he was imprisoned in his own gaol. He was overbearing and grasping, and on every possible occasion extorted money from his prisoners. By every subtle pretext he callously and cruelly illtreated those prisoners who were unable to bribe him. His insolent

demeanour and defiant attitude towards the Council of the North was a subject of complaint and much correspondence.[1] He evidently amassed a small fortune by his nefarious practices, and was subsequently styled a "gentleman," and permitted to bear arms. William Dethick, Garter King of Arms, declares: "he is to take generall notice and to make declaration and testimony for all matters of armes and pedegrees honour and Revalry, and having intellegence that Robert Redhead, gentleman, one of the shewers in ordinarie of Her Majestie's Chamber now castellan or keeper of the Castle of Yorke, sonne of Bartholomew Redhead of Sheriff-Hutton in the countie of Yorke is seeking to advance his name and fortune—he William by order of our Sovereigne Lady Queene Elizabeth, presents him with a coat of armes; dated the tenth day of May in ye ffortieth yeare of ye Reigne of our Sovereigne Lady Elizabeth by ye grace of God Queene of England, France and Ireland, Defender of ye faith and anno Dom. 1598.

William Dethick, Garter,
Principall King of Armes." [2]

A.D. 1604. Thomas Beaumont and Michael Clarkson on July 23, 1604, assigned the keepership of the gaol of and Castle of York to Henry Twyford and William Trumbull (Cal. St. P., 1603–10, p. 137).

A.D. 1604. William Wharton. On November 14, 1604, a grant was made to Ellis Rothwell, of the fines imposed on William Wharton, late gaoler of York, for suffering Brian Met-

[1] Cal. MSS. of the Marquis of Salisbury, parts VI. and VII.
[2] Twyford, p. 70.

calfe, convicted of præmunire, and William Mush, a seminary priest, to escape from the Castle (C.S.P., 1603–10).

A.D. 1610. Anthony Benin, the King's footman, appears as gaoler this year (Twyford, p. 71).

A.D. 1613. John Gilbert was granted July 2 the office of keeper of York Castle, for life (C.S.P., 1611–18, p. 189).

A.D. 1617. Samuel Hales was granted February 8 the office of keeping York Prison, for sixty years (C.S.P., 1611–18, p. 432).

A.D. 1631. William Hammond, gaoler of York Castle, deceased, interred in St. Mary's Church, Castlegate, York, February 24, 1631–2 (Church Registers).

A.D. 1636. Anthony Blanche, keeper of the King's Prison in York Castle, wrote to the Council of State this year.

A.D. 1643. (——) Grymstone, keeper of the Castle (Twyford, p. 118).

A.D. 1650. Richard Lealand and Thomas Reed, gaolers.

A.D. 1654 (c) Thomas Core and William Crookes, gaolers.

A.D. 1657. Audry Bajock and John Thomlinson, who had been appointed gaolers by the High Sheriff, appear in a petition forwarded by Dunkirk prisoners, October 3, to the Admiralty Commissioners (Cal. S.P., 1657–58, p. 118).

A.D. 1660. Francis Farbank. In various records the name of Farbank occurs as gaoler this year.

A.D. 1661. Richard Legard. After the Restoration of Charles II. it seems the Cromwellian gaolers were dispossessed of their office. In 1617 the keepership had been granted to Samuel Hales for sixty years, in 1661 the Royalists recognized his rights, and granted the rever-

sion of the office of keeper of the gaol and Castle, to Richard Legard for thirty-one years (C.S.P., 1661–62, p. 24).

Henry Harrington, in 1665, petitioned the King, Charles II., for the keepership of York Castle; pleading that he had followed his Majesty in all hazards and countries, through many imprisonments and wants, but had only unfortunate disappointments after gracious promises (C.S.P., 1665–66, p. 149). With what success the petitioner was favoured does not appear.

A.D. 1684. MARMADUKE BUTLER, gaoler.

A.D. 1685. JOSEPH LOCKWOOD and JAMES BUTLER, gaolers (Oliver Heywood's Diary).

A.D. 1693 (c). JOHN BUTLER, gaoler (Twyford, p. 78).

A.D. 1709. (——) ASH, gaoler.

A.D. 1709–18 (c). E. CHIPPENDALE, gaoler.

A.D. 1731 (c). RICHARD WOODHOUSE, gaoler.

A.D. 1740 (c). THOMAS GRIFFITH, "once Governor of the Castle, now a debtor, buried November 10, 1751" (Registers St. Mary's Church, Castlegate, York).

A.D. 1756–1772. THOMAS WHARTON, gaoler. His will was proved at York in 1779.

A.D. 1772–1799. WILLIAM CLAYTON, gaoler, succeeded Wharton, and held the office at the time Howard, the Prison Philanthropist, visited the Castle in 1774. Clayton, who had originally entered York Castle as a debtor, hailed from Sheffield. He passed, after his enlargement, through various subordinate offices of trust in the Castle, and, subsequently, was appointed to the responsible position of chief gaoler. He was a most humane official and was described as being compassionately disposed towards his prisoners, and not

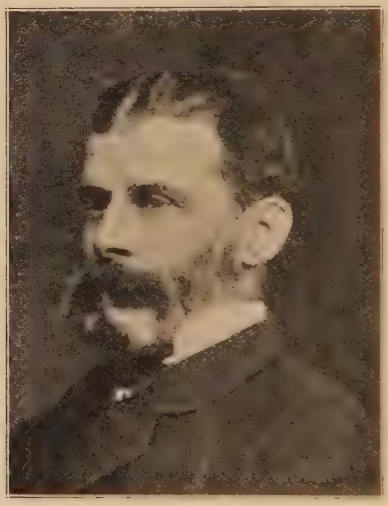
infrequently he showed them kindnesses. *The Yorkshire Gazette* records his demise February 23, 1799: "Died, greatly and deservedly respected, Mr. Willam Clayton, who had held the office of gaoler of York Castle. . . . This worthy and estimable man was placed in a position which afforded him the means of succouring the afflicted, the unfortunate, and oft-times criminal members of the community, and by such adequate justice was his indulgence shown that we believe that no prisoner who has been in his custody ever complained of his treatment; and as a still higher tribute to his worth we believe we are justified in saying that from the general confidence in his integrity more debtors have by small sums entrusted to his disposal been released from confinement than by any other man in this kingdom."

A.D. 1799–1805. William Staveley. Sir Rowland Winn, Bart., Sheriff of Yorkshire, appointed William Staveley, son-in-law to the late William Clayton, to succeed to the vacant office. He had acted as under gaoler for seven years.

A.D. 1805–1824. Christopher Staveley, appointed gaoler by the Magistrates. He held the keepership until his resignation and retirement on a pension in 1824.

A.D. 1824–1840. James Shepherd, who had been Governor of Wakefield House of Correction from January 16, 1817, was appointed gaoler in March 1824, when in his 39th year. He came of a remarkable family which at one period held the governorships of four Yorkshire gaols. His father, Thomas Shepherd, was governor of Northallerton Gaol; his

brother Samuel was governor of Beverley Gaol; his brother Thomas succeeded him at Wakefield; and another brother, William, was appointed in his father's stead at Northallerton. His nephews subsequently held various governorships in Yorkshire. James Shepherd resigned his post at York Castle in 1840, and a nephew was elected to succeed him, but the High Sheriff by his prerogative



Captain Twyford.

appointed John Noble, the deputy-governor at York, to the vacant office.

A.D. 1840–1863. John Noble, who had married the sister of the preceding governor, and had been deputy-governor from October 1831, was appointed-governor in March 1840, by the High Sheriff, Sir Thomas A. C. Constable. He held the post until his death, May 29, 1863.

A.D. 1863–1878. Captain W. F. Lowrie was appointed governor by the magistrates in July

1863, the High Sheriff, John Hope Barton, Esq., agreeing with their decision. Captain Lowrie died in June, 1878.

A.D. 1878–1883. Captain A. W. Twyford. On April 1, 1878, the Prisons of the United Kingdom passed under the direct control of the

Mr. R. E. Triffitt.

State, and the Right Hon. the Home Secretary, on behalf of the Prison Commissioners, appointed Captain Twyford to the governorship, which he resigned in 1883.

A.D. 1883–1885. Robert E. Triffitt, the deputy-governor, was appointed governor December

13, 1883, and held the office until his death, March 8, 1885.

A.D. 1885-1887. ROBERT W. BOYCE, governor of Usk Gaol, Monmouthshire, appointed to York Castle, March 1885; he died in 1887.

A.D. 1887–1890. JAMES HENRY SHEPHERD, son of Alfred Shepherd, governor of Beverley (nephew of James Shepherd, governor of York Castle, 1824–1840), was appointed to York February 21, 1887. Previous to his removal to York he had been deputy-governor at Beverley, 1872–77; deputy-governor at Hull, 1877; deputy at Clerkenwell with Newgate, July 1882 until Clerkenwell Prison was closed in 1886; he then was removed to Holloway, being still deputy of Newgate. He was transferred from York to Chelmsford in September 1890; to Armley Gaol, Leeds, in April 1896, retiring from the latter September 30, 1903, with a pension, having served as a gaol officer forty-four years.

A.D. 1890–1900. EDWIN TAYLOR, governor of Aylesbury Prison, appointed to York in October 1890. Ten years later he was "transferred on promotion" to Northallerton Gaol, and commenced his duties there July 31, 1900. At this date the Prison of York Castle was discontinued as a civil gaol and handed over to the War Department to be used as a Military Prison.

APPENDICES

APPENDIX A (see p. 127).

Articles for ye Castle Mills when bought by Sir Tho. Hesketh, *29th Oct.* 1603.[1]

Articles concluded and agreed upon the 29th Daye of October in the yeres of the Raigne of our Soveryne Lord James by the grace of God kinge of England, Scottland, France and Ireland, that is to witt of England France and Ireland the First and of Scottland the 37th. Betwene Sir Thomas Hesketh of Heslington in the Countie of Yorke, Knight on the one partie, and John Preistley and Jonas Waterhouse Esquires for and on the behalf of David Waterhous, Esq. Steven Waterhous and John Milner, Gent. on the other partie.

First it is agreed betwene the said parties that the said David Waterhouse, Stephen Waterhouse and John Milner and everye other person claymenge from by or under them or anye of them shall at or before the feast of the Purificacon of the Virgyn Marye next Comenye sufficientlie convey and assure unto the said Sir Thomas Hesketh and his heires all those the Water Corne Milnes Commonlie called the Castell Milnes situate and beinge nere to the Castle of Yorke withall the suite soken, waters, watercourses, stagnes, mildames, banckes, fludgates and hereditaments thereunto belonginge and all the Patentes writinges and evidences concernenge onelie the same which the said David Waterhous hath or may lawefullie come by without suite, if the said Sir Thomas Hesketh be then Livinge, and if he be not, then to Dame Julyan now his wife for tearme of her lief, the remenynder to Cuthbert Hesketh younger brother of the said Sir Thomas and his heires for ever, The said assurance to be made with warrantie against

[1] This indenture is printed by the kind permission of Lord Deramore, Heslington Hall.

them and theire heires and discharged or saved harmeles of incumbrances done by them or anye of them or by John Mansfeild, Esq. deceased his executors or assignes or by anye claymenge from them.

Item it is agreed that the said David Waterhous shall sheweforth to the said Sir Thomas Hesketh at his chamber in Graye's Inne on the 25th daye of Januarie next comenge the Letters Patentes of the inheritance of the said Milnes graunted by the late queene Elizabeth or a true copie thereof and all the meane conveyances thereof since the said Letters Patentes made, and allsoe the leasse or a true copie thereof by which Andrewe Trewe and Peter Currer or the one of them did clayme the said Milnes and the order concernenye the same made by Sir John Fortiscue, Knight, and the assignementes releasses and surrenders made thereof by the said Andrew Trewe and Peter Currer to the said John Mansfeild or to anye other person or persons by the consent of the said John Mansfeild if anye such be to t'hend the said Sir Thomas may take consideracon of such assurance as he will accept of the said Milnes.

Item it is agreed that the said Sir Thomas Hesketh shall have the present possession of the said Milnes and of the profites thereof as well such as have bene percyved and taken since Michaelmas as such as shalbe hereafter perceaved and taken untill the eight daye of Februarye next to his owne use payenge the ordinarye charges, viz. the Milner's wage and Dyett and the reparacons thereof and of the banckes waterworkes clowes and fludgates soe farre as the said proffits will extend, and likewise shall have to his owne use all the implements and furniture belonginge to the said Milnes and the boate which is perteynenge to the same, and the stones and tymber which lieth in or nere the said Milne, and is or was provided for the reparacons thereof, the Milnestones which lye upon the banck onelie excepted and shall have assurance thereof from the said David Waterhous accordinglie.

In consideracion whereof it is agreed that the said Sir Thomas Hesketh shall paye to the said David Waterhouse the some of Seaven Hundred Poundes, of which some the said Sir Thomas hath in hand paid to the said John Preistley and Jonas Waterhous to the use of the said David at their seallinge hereof the some of Five hundred poundes, and yett not withstandinge because the said assurance maye not take effect beinge hindred eyther by the Act of God or by the refusall of the said Sir Thomas for want of sufficient assurance to be made thereof

as aforesaid, therefore the said John Preistley and Jonas Waterhous have entred into Bond for the repayement of the said some of Five hundred poundes on the eighth day of Februarye next, But if the said Sir Thomas doe before the said daye accept anye assurance or conveyance of the premisses from the said David, Stephen, and John Milner, Then it is agreed that the said Sir Thomas shall Delyver the said Bond to the said David Waterhouse to be cancelled and made voide, soe that the said David will acknowledge the receipt of the said some of 500 li.

Item it is agreed that the said Sir Thomas shall at the tyme of the makinge of the said assurance and conveyance enter a sufficient Bond of foure hundred poundes to the said David Waterhous with sureties if the said David shall require the same for the payement of two hundred poundes more in full satisfacon for the said Milnes in and upon the 25th daye of March next Comenge att the place called Haxbie Tombe in the Cathedrall Church of Yorke.

Item it is lastlie agreed that if noe assurance be made to the said Sir Thomas either beinge hyndred by the Act of God or in default of assurance to be made as aforesaid then upon the payement of the said some of five hundreth poundes by the said John Priestley and Jonas Waterhous upon the said eight Daye of Februarye to the said Sir Thomas, his executoures or assynes the said Sir Thomas shall Delyver or cause to be delyvered to the said David Waterhous or to such as he shall appoint to his use to receyve the same the full possession of the said Milnes with the said implements and furniture thereof and the said Boate, if the said Sir Thomas shall have the same delyvered unto him, all of them to be in as good case as the said Sir Thomas shall Receave the same reasonable wearinge and such casuallties as shall happen by the Act of God onelie excepted. In witnes whereof the parties abovesaid to thies presents Interchangeablie have setttheire hands and seals the Daye and yere first above written.

Sealled and Delivered in the presence of—

John Thwaites
Robert Dewhurst
Henry Southworth
Willm. Cooke.

John Preistley
Jonas Waterhous

APPENDIX B (see p. 134).

The Stipend of Thomas de Norton, Chaplain at the Chapel of St. George, increased.

Edwardus Dei gratia Rex Anglie, Dominus Hibernie et Dux Aquitanie, custodibus terrarum et tenementorum Templariorum in Comitatu Eboraci in manu nostra existencium,—salutem. Cum nos volentes dilectum vobis in Christo Thomam de Norton capellanum in capella Templariorum apud molendina eorundem juxta Castrum nostrum Eboraci, divina celebrantem, qui, pro stipendiis suis ibidem sex marcas ad terminos sancti Martini et Pentecostes de redditibus ad capellam predictam pertinentibus annuatim percipit, favore prosequi gracioso, concesserimus ei quod ipse ex nunc singulis annis divina ibidem celebrando, ultra predictas sex marcas, duas marcas ad festa predicta per equales porciones percipiat de redditibus supradictis prout in litteris nostris patentibus eidem Thome inde confectis plenius continetur; Vobis mandamus, quod eidem Thome dictas duas marcas ultra predictas sex marcas, ex nunc, singulis annis ad dictos terminos, de redditibus predictis habere faciatis, juxta tenorem litterarum nostrarum predictarum. Et nos vobis inde in compoto vestro debitam allocacionem habere faciemus.

Teste me ipso apud Eboracum, XXX. die Maii anno regni nostri quinto.

Per ipsum Regem, nuncio Rogero de Northburgh.

APPENDIX C (see p. 180).

Conveyance of Clifford's Tower from Robert and Thomas Moore, to John Scott, Henry Thompson and John Loftus.

May 15th, 1662.

This Indenture made the fifteenth day of May in the fourteenth yeare of the Raiyne of our Soveraigne Lord **Charles** the second by the grace of God of England, Scotland, France and Ireland King, defender of the faith Anno. Dom. 1662. Betweene Robert Moore of . . . in the county of . . . and Thomas Moore of Kingston upon Hull in the County of . . . eldest sonn and heire apparant of the said Robert Moore of th'one party, John Scott of the parish of St. Martin's in the

feildes in the county of Middlesex Esq.; Henry Thomson of the parrish of St. Johns att Owzbridge end in the Citie of Yorke Merchant, and John Loftus of the Citie of Yorke Draper of th'other party. Whereas our late Soveraigne Lord King James by his highnesse Letters Pattents bereing date the Fourteenth day of January in the twelfth yeare of his reigne; Did grant unto Edmund Duffeild and John Babington and their heires (amongst other thinges), All that his peice of land situate lying and being in the City of Yorke called Clifford's Tower, or Clifford's Tower Hill, contayning by estimation Three acres (be it more or lesse) of the yearly rent of foure pence; and all and singular Messuages, houses, edifices, buildings, and other the appurtenances thereto belonging, as in and by the said Letters Patents relation being thereunto had may appear. And whereas the said Edmund Duffeild and John Babington by their deede indented bearing date the Nine and twentieth day of November in the thirteenth yeare of the reigne of the said late King James over England etc. have granted and conveyed the said parcell of ground and premises unto Francis Darley [1] Esq. and his heires, which said Francis Darley is since deade, leaving issue Edith his only daughter and heire, who was afterwards married unto the said Robert Moore, by whom she had issue the said Thomas Moore her eldest sonne and heire; and is since deade. Now this Indenture witnesseth, That as well for and in consideration of the sum of two hundred and seaventie pounds of lawfull money of England to the said Robert and Thomas Moore in hand paid by the said John Scott, Henry Thomson and John Loftus, before the sealing and delivery of these presents, whereof and wherewith they the said Robert Moore and Thomas Moore doo, and each of them doth hereby acknowledge the receipt, and themselves and either of them fully satisfied contended and paid; And thereof and of every part and parcell thereof doo and each of them doth thereby and absolutly exonerate acquitt and for ever discharge them the said John Scott, Henry Thomson, and John Loftus their heires executors and administrators and every of them by these presents, as also for divers other good causes and considerations them thereunto especially moving; They the said Robert Moore and Thomas Moore, have granted released and Confirmed, And by these presents doe grant release and confirme unto the said John Scott Henry Thomson and John Loftus in their

[1] There was a Francis Darley, Bailiff of the Liberty of St. Mary's, York, 1609.

actuall possession thereof now being by virtue of a Bargaine and sale for one yeare to them thereof made by the said Robert Moore and Thomas Moore by Indenture bearing date the day before the date of these presents, And by force of the Statute made for transferring uses into possession, and to their heires and assignes for ever. **All** that peece or parcell of ground contayning by estimation Three acres, more or lesse, commonly called Clifford's Tower Together with the Tower thereupon erected and builded, situate lying and being within the City of Yorke, And all and singular Messuages, houses, edifices, buildings, barnes, stables, dovehouses, orchards, gardens, lands, tenements, rights, jurisdictions, franchises, liberties, priviledges, profitts, commodities, advantages, emoluments, and hereditaments whatsoever with the appurtennances, as well spirituall as temporall of what kinde, nature or sorte soever the same are or bee, and by whatsoever names or additions they are knowne named or called, situate lying and being, coming growing, or increasing within the said place and City and within the County of Yorke and County of the City of Yorke or in any of them, to the said parcell of ground Tower and other the premises above by these presents bargained and sold, or to any of them in any wise belonging or appertayning or as part parcell or member of the same or any of them now are or att any time heretofore had knowne accepted occupied used or reputed: And the Reversion and Reversions, Remainder and Remainders, together with the Rents issues and profitts of all and singular the premises, and of every part and parcell thereof, And all the estate right title interest clayme and demand whatsoever of them the said Robert Moore and Thomas Moore or either of them of in and to the premisses and every part and parcell thereof, Together with all deedes evidences and writings, touching and concerning the same; which they the said Robert Moore and Thomas Moore or either of them have, or hath, or may or can lawfully come by without suite in lawe. **To have and to hold** the said parcell of ground and Tower aforesaid and all and singular other the premisses and every part and parcell thereof with their and every of their rights members and appurtenances unto the said John Scott Henry Thomson and John Loftus their heires and assignes for ever, to th'onely proper use and behoofe of them the said John Scott Henry Thomson and John Loftus their heires and assignes for ever. **And** the said Robert Moore and Thomas Moore doe for themselves their heires executors and administrators and every of them jointly and

severally, Covenant promise grant and agree, to and with the said John Scott, Henry Thomson and John Loftus their heires executors and administrators by these presents, in manner and forme following (that is to say) That they the said Robert Moore and Thomas Moore or the one of them is, or are att the time of the ensealing and delivery of these presents, lawfully, solely and rightfully seized of a good, pure, absolute and indefeizable estate of Inheritence in Fee simple, without any manner of condition, power, of revocation limitation of use or uses to alter change determine or make voide the same, of, in and upon all and singular the said parcell of ground Tower and other the premises with their and every of their rights members and appurtenances, and every part and parcell thereof ; And that they or some of them have, or hath good right full power and lawfull and absolute authoritie, to grant release and Confirme the same unto the said John Scott Henry Thomson and John Loftus their heirs and assignes for ever. And that it shall and may be lawfull to and for them the said John Scott Henry Thomson and John Loftus their heires and assignes from time to time and att all times hereafter from henceforth for ever, peaceably and quietly to have, hold use occupie possesse and enjoy the said parcell of ground, Tower and all and singular other the premises and every part and parcell thereof, with their and every of their rightes members and appurtenances, without any lawfull lett suite trouble eviction interruption disturbance, clayme or demand whatsoever of or by them the said Robert Moore and Thomas Moore or either of them their or either of their heires executors administrators or assignes, or of or by any other person or persons lawfully clayming by from or under them or either or any of them, or by from or under the said Francis Darley deceased his heirs or assignes or any of them ; And that cleare and free, and clearly and freely acquitted exonerated and for ever discharged, or otherwise upon reasonable request, well and sufficiently warranted defended saved and kept harmlesse by them the said Robert Moore and Thomas Moore their heirs or assignes or some of them, of and from all former and other guifts, grantes bargaines, sales, leases, estates, jointures, dowers, title and title of dower, uses, wills, intayles, fees, annuities, rents, intrusions, fines, amerciaments, Statutes Merchant and of the Staple, Recognizances, Judgments, extents, Executions, forfeitures, cause, and causes of forfetures seizures and Reprisalls, and of and from all other titles, troubles, charges, and incumbrances whatsoever, att anytime heretofore had, made, done

caused, occasioned, committed, or suffered, or hereafter to be had made done caused occasioned committed or suffered by them the said Robert Moore and Thomas Moore or either of them ; their or either of their heires, executors administrators or assignes or any of them, or by the said Francis Darley deceased his heires or assignes or any of them, or by any other person or persons by their or either or any of their meanes, act, title, assent, consent, privitie or procurement. And further That they the said Robert Moore and Thomas Moore and their heires and all others clayming under them or either of them, or any of them shall and will from time to time, and att all times hereafter during the space of Seaven yeares next ensuing the date hereof, upon the reasonable request, and att the onely cost and charges in the Lawe of the said John Scott, Henry Thomson and John Loftus their heires or assignes, make, doe, acknowledge, levy, execute and suffer, or cause to be made, done, acknowledged, levied, executed and suffered, all and every such further and other lawfull and reasonable act and acts, thing and thinges, devise and devises, assurances and conveyances in the lawe whatsoever for the further, better and more perfect assuring, surety, sure making and Conveying of all and singular the before mentioned premises with their appurtenances unto the said John Scott Henry Thomson and John Loftus their heires and assignes for ever, as by them the said John Scott, Henry Thomson and John Loftus their heires or assignes, or by their or any of their Counsell learned in the Lawes of this land, shall be reasonably devised advised or required : Bee the same by one or more Fyne or Fynes, Feoffement, Recovery or Recoveries, with one or more voucher or vouchers, deede or deedes inrolled or not inrolled, the inrolment of these presents Release or Confirmation, with warrantie, or with such warrantie as hereafter in and by these presents is mentioned expressed and declared : And by all or any of the said wayes or meanes whatsoever ; Soe that the party or parties required to make such further Assurances, and to doe or execute such further or other Acts or deedes, be not compelled for the making or doing therof, to traveile further then the Cittie of York County or Castle of York. And it is hereby mutually declared and agreed by and betweene all the said parties to these presents for themselves their heires executors and administrators by these presents ; That all and every Fyne and Fynes, Recovery and Recoveryes, and other Assurances and Conveyances whatsoever att any tyme heretofore had, made levyed executed or

suffered, or hereafter to be had made levyed executed or suffered of the premises or any parte or parcell thereof, by or betweene the said parties to these presents or any of them, or whereunto they or any of them are or shall be parties; shall be and enure and shall be adjudged, esteemed, deemed, construed, reputed, and taken to be and enure to the only use and behoofe of the said John Scott Henry Thomson and John Loftus their heires and assignes for ever, and to or for noe other use or uses intents or purposes whatsoever. And the said Robert Moore and his heires, all and singular the premises and every part and parcell thereof, with their and every of their rights, members and appurtenances, unto the said John Scott Henry Thomson and John Loftus their heires and assignes, against him the said Robert Moore his heires and assignes, and against him the said Thomas Moore his heires and assignes, and against the said Francis Darley his heires and assignes, and against all and every other person and persons whatsoever, lawfully clayming in, by from or under him, them or any of them, shall and will warrant and for ever defend by these presents: And the said Thomas Moore and his heires, all and singular the premises and every part and parcell thereof with their and every of their rights members and appurtenances, unto the said John Scott Henry Thomson and John Loftus their heires and assignes against him the said Thomas Moore and his heires and against the said Robert Moore his heires and assignes, and against the said Francis Darley his heires and assignes, and against all and every other person or persons whatsoever lawfully clayming by from or under him, them or any of them, shall and will warrant and for ever defend by these presents: In witnesse whereof the partyes above said to these present Indentures their hands and seales interchangably have sett the day and yeare first above written.

ROBT. MORE THOMAS MORE.

Sealed and Delivered by the within named Thomas More in the presence of } HEZECHIAH BURTON, JOH. HOLLINGS.

Sealed and Delivered by the within named Robert More in the presence of } HENRY CHOLMELY, WILL. WYVILL, LEWIS DARCY.

APPENDIX D (see p. 180).

Clifford's Tower.

One Year's Lease putting John Scott, Henry Thomson and John Loftus into possession prior to an absolute conveyance.

This Indenture made the fourteenth day of May in the Fourteenth yeare of the Raiyne of our gracious Soveraingne Lord Charles the Second by the Grace of God King of England Scotland France and Ireland defender of the faith, Anno. Dm. 1662, Between Robert Moore of . . . in the County of . . . and Thomas Moore of Kingston upon Hull in the said County . . . eldest sonne and heire apparent of the said Robert Moore of th'one party and John Scott of the parish of St. Martin's in the Fields in the County of Middlesex, Esq. Henry Thomson of the parrish of St. John's at Owzebridge end in the Citty of Yorke, Merchant, and John Loftus of the Citty of Yorke, Draper, of th'other party. **Witnesseth** that the said Robert Moore and Thomas Moore for and in consideration of Five Shillings of Lawfull money of England to them in hand paid by the said John Scott, Henry Thomson and John Loftus before the ensealing and delivery of these presents, have bargained and sold, and by these presents Doe bargaine, and sell, unto the said John Scott, Henry Thomson and John Loftus their executors and assignes, **All** that peece or parcell of ground contayning by estimation Three acres (more or lesse), commonly call'd Clifford's Tower, or Clifford's Tower Hill, Together with the Tower thereupon erected and built, Situate lying and being within the Citty of Yorke, commonly called Clifford's Tower, and all and singular messuages houses edifices buildings barnes, stables, dovehouses, orchards gardens, lands, tenements, rights, jurisdictions, franchises, liberties, privileges, profitts, commodities, advantages, emoluments and hereditaments whatsoever with th'appurtenances as well sperituall as temporall of what kind, nature, or sorte soever the same are or be or by whatsoever names or additions they are knowne named or called, Situate lying and being comeing growing or increaseing within the said plaice and Citty, and within the County of Yorke, and County of the Citty of Yorke, or in any of them, to the said parcells of ground Tower and other the premises above by these presents bargained and sold, or to any of them, in any wise appertayning or belonging or as parte parcell or member of the same or any of them nowe or at any time heretofore had knowne accepted occupied used or reputed **To have and to hold** the said parcell of ground

and Tower aforesaid and all and singular other the premises hereby bargained and sold or mente, mentioned or intended for to be, and every parte and parcell thereof with their and every of their Rights members and appurtenances unto the said John Scott, Henry Thomson and John Loftus their executors and assigns from henceforth for one whole yeare now next coming fully to be compleated finished and ended **Yield-ing** and paying therefore unto the said Robert Moore and Thomas Moore and their heirs the Rent of one penney of lawfull money of England at the feast of Penticost next (if the same shall be lawfully demanded) to the intent and purpose onely, that by force and vertue of these presents and of the Statute made for trancsferring uses into possession they the said John Scott, Henry Thomson and John Loftus may be in the actuall possession of the premises with their appurtenances and thereby the better inabled to take a grant and Conveyance thereof to them and their heires. In witnesse whereof the parties above named to these present Indentures have Interchangably sett to their hands and seales the Day and yeare first above written.

ROBERT MOORE THOMAS MOORE.

SEAL. SEAL.

Sealed and delivered by the within named THOMAS MORE *in the presence of—*
HEZECHIAH BURTON
SAMUEL LOWE.

Sealed and delivered by the within named ROBERT MOORE *in the presence of—*
HENRY CHOLMELEY
WILL. WYVILL
LEWIS DARCY.

APPENDIX E (see p. 181).

INDENTURE CONFIRMING SIR HENRY THOMPSON'S OWNERSHIP OF CLIFFORD'S TOWER.

Oct. 30th, 1672.

This Indenture made the thirtieth Day of October in the fouer and twentyeth yeare of the Raiyne of our Soveraigne

Lord Charles the Second by the grace of God King of England Scotland France and Ireland defender of the Faith Anno. Dm. one Thousand six hundred seaventy two **Between** Robert Moore of the Towne and County of Kingston upon Hull, Merchant of the one part and Sir Henry Thompson of Escricke in the County of Yorke, Knt. of the other part Witnesseth that the said Robert Moore for divers good causes and considerations him thereunto moving **hath** granted remised released quite claymed and confirmed and by these presents doth for and from him and his heires grant remise release quite clayme and confirme unto the said Sr Henry Thompson in his actuall and peaceable seisin and possession thereof now being and to his heires and assignes for ever **All** that edifice buildinge and Tenement comonly called or knowne by the name of Clifford's Tower or by whatever other name or names the same is called or knowne **And** alsoe all that parcell of ground and soyle whereupon the said Edifice buildinge tenement is erected and built situate lyinge and being neare the Castle of Yorke in the County of Yorke City of Yorke and County of the City of Yorke or in some or one of them **And** alsoe all structions grounds lands wayes paths passages lights easements profitts commodityes and appurtenances whatsoever to the said Edifice buildinge or Tenement belonging or appertainnge or reputed to belong or apertayne or therewith commonly used occupyed or injoyed or accepted reputed deemed taken or knowne and part yield (?) or member thereof and the revertion and revertions remainder and remainders of the premises and alsoe all the estate right tyth interest clayme and demands whatsoever in Law and equity of him the said Robert Moore of and in the premises and every or any part or parcell thereof **To have and to hold** the said Edifice buildinge Tenement ground soyle and premisses and every part and parcell thereof onto the said Sr Henry Thompson his heires and assignes forever To the onely proper use and behoofe of him the said Sr Henry Thompson and of his heires and assignes for ever **In Witnesse** whereof the partyes first above named to these present Indentures interchangably have set their hands and seal the day and yeare first above written.

Sealed Signed and Delivered in the presence of
WM. CARLTON
MATTW. JOHNSON
JOHN GOODRICKE
MARMD. ATKINSON.

} ROBT. MOER.

APPENDIX F (see p. 185).

Conveyance of Clifford's Tower from Lady Suzanna Thompson to Richard Sowray the elder.

Jany. 27th, 1699.

This Indenture made the Seaven and twentyeth day of January in the Eleventh year of the Reigne of our Sovereigne Lord William the third by the Grace of God of England Scotland France and Ireland King, Defender of the faith Anno. Dni. one thousand six hundred ninety and nine, **Between** Dame Suzanna Thompson of the Citty of Yorke widdow late wife of Sir Henry Thompson late of the Citty of Yorke Knight and Marchant Deceased of th'one part and Richard Sowray the Elder of the said Citty Gentleman of th'other part **Wheras** the said Sir Henry Thompson by his last Will and Testament in writing legally and Duely published and bearing Date the Twenty third Day of November in the Year of our Lord one thousand Six hundred Eighty and one. Did give and Demise unto the said Dame Suzanna Thompson his then wife and to her assignes for ever The Lands Tenements and hereditaments hereafter in this Indenture mentioned **Now this Indenture** witnesseth That the said Dame Suzanna Thompson For and in Consideration of the Sume of Fifty and Eight pounds and Fifteen Shillings of lawfull English Money to her in hand paid by the said Richard Sowray before the Sealing and Delivery of these presents The receipt whereof she Doth hereby Acknowledge and thereof and of every part and parcell thereof Doth freely and absolutely Acquitt Exonerate and Discharge him the said Richard Sowray his heires Executors Administrators and assignes and every of them by these presents **hath** aliened infeoffed and confirmed and by these presents Doth alien infeoffe and confirme unto the said Richard Sowray his heires and assignes for ever **All** that peice or parcell of ground containing by estimation three Acres (more or less) Commonly called Clifford's Tower or Clifford's Tower-Hill together with the Tower thereupon erected and built Situate Lyeing and being within the Citty of Yorke, And all and Singular Messuages houses edifices buildings Barnes Stables Dovehouses orchards gardens Lands Tenements rights Jurisdictions Franchises Liberties Privileges Emoluments hereditaments and appurtenances whatsoever to the same belonging or in any wise appertaining and the Reversion and Reversions

Remainder and Remainders of all and Singular the said premisses with the Rents issues and profitts thereof and of every part and parcell thereof and all the estate Right Tythe clayme and Demands whatsoever of her the said Dame Suzanna Thompson of in or to the said premisses or any part or parcell thereof And all deeds writings Records and Evidences whatsoever touching or concerning the said premisses or any part or parcell of them which the said Dame Suzanna Thompson now hath in her custody or can come by without suite of Law or Equity **To have and to hold** the said Tower and Tower Hill and all and singular the said premisses with there and every of there appurtenances and every part and parcell thereof unto the said Richard Sowray his heires and assignes for ever To the onely proper use and behoofe of him the said Richard Sowray his heires and assignes for ever **And** the said Dame Suzanna Thompson for herselfe her heires executors and administrators Doth Covenant grant and agree to and with the said Richard Sowray party to these presents his heires executors administrators and assignes by these presents that nether the said Dame Suzanna Thompson nor the said Sir Henry Thompson her late husband have Done committed or suffered or caused or procured the Doeing committing or suffering of any act or acts matter or things whatsoever, whereby the premisses or any part or parcell thereof may be charged forfeited evicted or incumbered in any nature or kind whatsoever and that for and notwithstanding any act matter or thinge Done or suffered or caused to be done or suffered by them the said Dame Suzanna Thompson and Sir Henry Thompson or either of them it shall and may be lawfull to and for the said Richard Sowray his heires and assignes peaceably and quietly from henceforth to have hold use occupie possess and enjoy the said premisses to the use of him and his heires and assignes for ever In witness whereof the partys above named to these present Indentures Interchangably have sett their hands and seales the Day and Year first above written.

Sealed and delivered in the presence of— S. Thompson.

Lewis West
Lovell Thompson
E. (———— ?)

SEAL.

APPENDIX G (see p. 186).

The will of Richard Sowray, Owner of Clifford's Tower.

(*Made February 17th*, 1708.)

In the name of God Amen ; I Richard Sowray of the City of York Batchelor of Physick being in sound and perfect mind and disposeing memory Doe make this my last will and Testament in manner and form following (that is to say) first and principally I comend my Soul into the hands of Almighty God my Heavenly Father and my Body I committ to the Earth to be Decently buried at the Discretion of my Executrix hereafter named and as touching the Disposition of all such Temporall Estate as it hath pleased Almighty God to bestow upon me I give and Dispose thereof as followeth Imprimis I will that all my Debts and funerall Expenses shall be paid and Discharged Item I give and Devise unto my Dear wife Abigail Sowray All that Messuage or Dwelling House in Castlegate wherein I now Live with all the premisses thereunto belonging and all my furniture or household Goods belonging ye same for and during her Natural Life onely and after her Decease I give and Devise the same to my Nephew Richard Denton his heirs and assigns for ever And as to all the rest and residue of my Real Estate in the City of York and County of the same City or the County of York or elsewhere in ye Kingdome of Great Britain I doe Give and Devise them to be equally Divided amongst the Sons of my well beloved Sister Sarah Lingen they takeing upon them and continueing the name of Sowray and amongst the Sons of my late Brother Joseph Sowray and their heirs for ever Share and share like and in case any of the said Brothers shall Die without Issue the part or share of such Brother or Brother so Dyeing shall imediately Descend to such Surviving Brother or Brothers as shall then happen and his or their heirs for ever and as to my personall Estate I bequeath the same in manner following (to witt) I give and bequeath to my Nephew Denton the sume of fifty pounds To my God Daughter Sarah Massey the Daughter of Hugh Massey Gentleman the sume of five pounds To Hellen Hemsley the wife of John Hemsley forty Shillings To Jane Allen the wife of . . . Allen of ye City of York Taylor forty Shillings To Elizabeth Rooth of ye said City widow forty shillings To Mary Robinson of ye said City widow forty shillings To Thomas Mathews the son of Tobias Mathews of the same City Twenty pounds To

Jane the Daughter of Hannah Tomlinson widow five pounds Itm. I give to Mr. Hugh Massey one Moiety of all my fishing Tackle Rods and the other Moiety to my Servant and present clark William Harrison To whom I also give all my woollen apparell and a moiety of all the course sort of my Linnen and as to all the residue of my Personall Estate whatsoever I give and bequeath the same to my Loveing Wife whom I make and ordain Sole Executrix of this my last Will and Testament five pounds apeice which I do hereby Give and bequeath to each of the overseers of this my last Will and Testament hereinafter named provided they take upon them the trouble of the same only excepted And I do make and ordain my Loveing Friend Mr. William Banks and Mr. Hugh Massey Overseers of this my last Will and Testament and hereby revoking all former Wills by me heretofore made. In witness whereof I have hereunto sett my hand and seal this seventeenth Day of February in ye seventh year of the Queen. Anno. Dmi. 1708.

Sealed Signed published declared by ye sd. Richard Sowray to be his last Will and Testament in ye presence of us—
Elias Alexander.
Wilf. Tolson.
Jno. Marshall.

Richard Sowray.

APPENDIX H (see pp. 196 and 243).

An Agreement between The Clerk of the Court of Gaol Sessions of the County of York and The Prison Commissioners and Others.

April 7, 1880.

An Agreement under Seal made the Seventh day of April One thousand eight hundred and eighty. Between Frederick James Munby of the City of York Gentleman the Clerk of the Court of Gaol Sessions of the County of York acting for and on behalf of the Justices of the said County assembled at a Court of Gaol Sessions held in manner provided by the Act of the Fifth year of King George the Fourth Cap. 12 and by the Order of the said Justices of the first part The Right Honourable Richard Assheton Cross M.P. one of Her Majesty's Princi-

pal Secretaries of State hereinafter called the said Secretary of State of the second part John Henry Crichton Esquire (commonly called Viscount Crichton) and Sir James Dalrymple Horn Elphinstone Baronet two of the Lords Commissioners of Her Majesty's Treasury of the third part and The Prison Commissioners of the fourth part **Whereas** under the Provisions of the Prison Acts 1865 and 1877 the said Justices assembled at Gaol Sessions are the Prison Authority of the County Gaol or Prison known as York Castle **And** whereas the said Prison is a Prison to which the Prison Act 1877 applies and by virtue of the said Act the legal estate in such Prison as defined by the said Acts became vested in the Prison Commissioners **And** whereas it has been judged necessary by the Prison Commissioners acting under the direction of the said Secretary of State that (amongst other things) the boundaries of the said Prison should be clearly defined and that such right of way should be granted to or retained by the Prison Commissioners as hereinafter mentioned **now** it is hereby agreed and declared as follows :—

1. **The** said Frederick James Munby as such Clerk of Gaol Sessions as aforesaid acting as aforesaid agrees to release unto the Prison Commissioners and their Successors so much of the piece or parcel of land delineated in the Plan hereunto annexed and therein coloured red as shall not under and by virtue of the Prison Act 1877 have been vested in them or in the said Secretary of State to the intent that the whole of the said piece or parcel of Land coloured red may henceforth constitute and be deemed to constitute the Prison known as York Castle and be held by the Prison Commissioners and their successors accordingly.—

2. **The** Prison Commissioners by direction of the said Secretary of State with the consent of the Lords Commissioners of the Treasury agree to release unto the said Frederick James Munby as such Clerk of Gaol Sessions as aforesaid and his successors so much of the piece or parcel of Land delineated in the Plan hereunto annexed and therein coloured Green as shall not be already vested in him to the intent that the whole of the said piece or parcel of Land coloured Green may henceforth be and be deemed to be the Property of the County of York and be held by the said Frederick James Munby as such Clerk of Gaol Sessions as aforesaid and his Successors accordingly :—

3. **The** said Frederick James Munby as such Clerk of Gaol Sessions as aforesaid acting as aforesaid agrees to grant and

confirm unto the Prison Commissioners and their Successors their Agents Servants Workmen and Licensees (including the Governor of the said Prison for the time being and all Officers and Servants under him) until a new Entrance to the said Prison is constructed on some part of the said piece or parcel of Land coloured red full and free right and liberty at their will and pleasure by night and by day and for all purposes to go return pass and repass with horses carts wagons and other Carriages laden or unladen through the Entrance Gates delineated in the said Plan and therein marked II and also through along and over the respective piece of Land contained between the two dotted lines marked a, b, c d, and e f g, h i k, on the said Plan And after the construction of such new Entrance as aforesaid the said Frederick James Munby as such Clerk of Gaol Sessions as aforesaid acting as aforesaid agrees to grant and confirm unto the Prison Commissioners and their successors and each of their Officers Servants as shall occupy buildings lying on the outside of the boundary wall proposed to be constructed between the said piece or parcel of Land coloured red and the said piece or parcel of Land coloured Green full and free right and liberty at their will and pleasure by night and by day and for all purposes to go return pass and repass through the said Entrance Gates delineated as aforesaid and also through along and over the said respective pieces of Land contained between the two dotted lines marked a b, c d, and e f g, h i k, and for the better enjoyment of the same right and liberty keys of the said Entrance Gates shall be provided by or at the cost of the said Justices and delivered to the Governor of the said Prison for the time being or to whom he shall direct:—

4. The said Frederick James Munby as such Clerk of Gaol Sessions as aforesaid acting as aforesaid agrees to grant and confirm unto the Prison Commissioners their successors and assigns full and free right and liberty of user by them or their Agents Servants Workmen and Licensees (including the said Governor and all officers and servants under him) of the central grass plot delineated in the said Plan and therein marked and bounded by line e f g, for the purpose of recreation or of passing and repassing across or over the same and also for the purpose of laying down or effecting a junction or communication with any pipe (for gas water or otherwise) sewer or drain through or under the same. **Provided** always And it is hereby agreed that such user shall not be exercised so as to injure the said portion of the said Grass Plot nor impair

its appearance further than is the necessary consequence of the limited user hereinafter described but the said portion of the said Grass Plot shall remain in all respects except as aforesaid under the exclusive control of the said Justices.

5. The Prison Commissioners by the direction of the said Secretary of State agree so long as the said piece or parcel of Land coloured red or any part thereof shall be used as a Prison to permit (so far as such permission shall in their judgment be consistent with the security and discipline of the said Prison) such persons as they or the said Governor shall in their or his discretion think fit to enter at such times as they or he may appoint the enclosure delineated in the said Plan and marked A and over the Tower known as Clifford's Tower.

6. The Prison Commissioners by direction of the said Secretary of State agree during such time as the said piece or parcel of Land coloured red or any part thereof shall be used as a Prison to maintain the said Tower known as Clifford's Tower which is in the nature of a National Monument in such manner as to prevent the same and every part thereof being defaced or injured in its character of a National Monument.

Provided always And it is hereby agreed and declared that if any dispute question difference or controversy shall arise between the said parties to these Presents or their respective successors or assigns touching these Presents or any clause or thing herein contained or the construction hereof or any matter in any way connected with these Presents or the operation thereof or the rights duties or liabilities of either party in connection with the premises then and in every or any such case the matter in difference shall be referred to a single Arbitrator pursuant to and so as with regard to the mode and consequence of the reference and in all other respects to conform to the Provisions in that behalf contained in the Common Law Procedure Act 1854 or any then substituting statutory modification thereof And upon every or any such reference the Arbitrator shall have power to examine the parties and Witnesses upon oath or affirmation and either to fix settle and determine the amount of Costs of the Reference and Award respectively or incidental thereto to be paid by both parties or by either party or to direct the same to be taxed either as between Solicitor and Client or otherwise and to direct and award when and by and to whom such Costs shall be paid And every or any such reference may be made a rule of any Division of the High Court of Justice on the application of either party and such party may instruct Counsel to consent thereto for

the other parties. In witness whereof the said Parties hereto of the first second and third parts have hereunto set their hands and seals and the Prison Commissioners have hereunto affixed their Corporate Seal the day and year first above written.

Signed Sealed and Delivered by the above named Frederick James Munby in the presence of—
HENRY VENN SCOTT,
Solicitor, York.

FREDK. J. MUNBY (S)

Signed Sealed and Delivered by her Majesty's Principal Secretary of State for the Home Department in the presence of—
W. H. CROSS,
Inner Temple

RICH. ASSHETON CROSS

Secretary of State Home Department

S

Signed Sealed and Delivered by the above named Lords Commissioners of her Majesty's Treasury in the presence of—
W. HANNAM,
Office Keeper
Treasury
J. H. GABBITAS,
Treasury

CRICHTON

J. D. H. ELPHINSTONE

Treasury

S
Treasury.

The Corporate Seal of the Prison Commissioners affixed in the presence of—
JOHN DENSON,
Secy.

S
Prison Commission.

APPENDIX I (see p. 237).

Lammas Fair and the Archbishop's prescriptive rights at each City Gate and Postern.

In purchasing Castlegate Postern and Tower from the Corporation, it will be noticed that the Committee of Magistrates paid to the Archbishop of York £10 as part satisfaction or compensation for interfering with a peculiar benefit or privilege which his Grace possessed in the old postern. The Archbishop and his predecessors enjoyed similar prescriptive rights at each City Gate and Postern.

One of the great annual cattle fairs of a century ago, Lammas Fair, was held without Bootham Bar, within the suburbs on the north side of the city, upon an extensive open space adjoining Clarence Street known from time immemorial as the Horse Fair. Lammas Fair was called the Bishop's Fair, the Archbishop having jurisdiction of it. Its commencement was announced by the ringing of a bell at St. Michael's Church, Low Ousegate, at three o'clock in the afternoon of August 13th, the day before Old Lammas Day, at which time the two Sheriffs of the City resigned their authority to the Archbishop or his bailiff or steward, by delivering up their white rods of office, and the keys of the city gates and posterns. The Fair continued until three o'clock in the afternoon after Lammas Day; when the same church-bell was again tolled as a signal for the re-delivery of the Sheriffs' emblems of authority. The ancient ceremony, both before and after the fair, usually concluded with a luncheon or treat given at some tavern or inn. During the fair the Sheriffs by lawful custom could not arrest any person within the city, and the Archbishop's Bailiff or substitute had the exclusive power of executing any legal process during that period.

The Archbishop held a Court of Piepowders,[1] a summary court formerly held in fairs and markets to administer justice among itinerant dealers, and others temporarily present. A jury was impannelled from Wistow, a village within the archiepiscopal liberty, and this judicial body determined all disputes and complaints that occurred amongst the dusty-footed wayfarers and itinerant merchants. The Archbishop's bailiffs demanded a toll at the several gates and posterns of the city on all cattle brought for sale, and a toll was also taken on all

[1] From *pede-pulverōsus*, dusty of foot, dusty footed, a wayfarer.

small wares, both in Thursday Market and The Pavement. On buyers returning with cattle through the gates, and purchasers carrying goods out of the fair, a further tribute or toll was levied. The customary tolls were:

	d.
For every Beast coming to be sold . .	1
For every led Horse, Mare, or Gelding .	2
For every twenty Sheep	4
For every Horse-pack of Wares . .	4
For a Load of Hay to be sold . .	4
For every other Thing to be sold in any Wallet, Maund, Basket, Cloth-bag, or Portmanteau, to the value of Twelvepence	1

With the like Toll of all and every of the said goods sold, paid by the buyer at his carrying it out of the said fair, etc.

In 1807 the Corporation in the interests of public traffic commenced pulling down the narrow gateway of Skeldergate Postern thereby to some extent interfering with the Archbishop's convenience in collecting his toll on Lammas Fair Day. His Grace took exception to the gates and posterns being altered or interfered with and forthwith obtained an injunction at law against the Corporation. The case was reported in the local newspapers as follows:

COURT OF CHANCERY

The Archbishop of York ver. the Mayor and Corporation of the City of York.

In this case the Archbishop filed his bill for an injunction against the defendants to restrain them from demolishing or pulling down the gates of the City of York, by which the plaintiff apprehended he would sustain injury or loss of property. The plaintiff claimed a prescriptive right to the toll of a great annual fair, called Lammas Fair, in which a great number of cattle were sold in the City of York. It was the usage of the Mayor from time immemorial on each fair day to deliver up to the Archbishop the keys and gates of the city for the day, in order the more advantageously to collect the tolls and prevent the cattle from passing without payment of such toll. He alleges by his bill that he would suffer loss and inconvenience by want of the gates, and would find difficulty in collecting the toll, which would not be as productive to him if the gates were taken down, as the defendants intended, and had actually commenced such pulling down at one of the gates (Skeldergate Postern), previous to the bill

being filed last year, when the plaintiff obtained an injunction. This injunction was this day, after being in force seven months, moved to be dissolved, the parties consenting to try the right by a feigned issue. This issue was found difficult to be framed, as the terms of it when made some time back were, that the defendants had broken down the posts of one of the gates, by which the plaintiff had sustained loss or injury. But upon consideration it was found that such an issue could not be proved in any manner, being, in fact, a falsehood; for that no fair had been held there since the trespass was commenced, nor could any fair be held before the next Assizes. It was much urged upon the Court to dissolve the injunction upon the terms offered by the defendants, but the Chancellor stated that he could not comply with the motion, nor dissolve the injunction on the grounds stated. He, however, expressed a wish that the parties might agree upon some terms, or an issue by which the right might be tried, and desire at some future time to see what issue could be found for this purpose. At the rising of the Court it was suggested to his Lordship that the Mayor and Corporation were willing to agree to terms of any issue, but the counsel for the plaintiff said nothing on this occasion. Thus the matter seems now to rest as unsettled as ever.[1]

Assize Business.

The question between his Grace the Archbishop of this Province and the Corporation of this city, touching the rights of the former to the possession of the Gates, Bars, and Posterns of the said city during his Grace's Fair, commonly called Lammas Fair, held yearly in this city and the suburbs thereof, came on to be tried at the Assizes at Durham on Friday last, before Baron Wood and a special jury of that county, when a verdict was given for his Grace, whereby is confirmed and established the right so claimed by him, and which had been infringed upon by the defendants, in their having lately pulled down one of the said Posterns in defiance of notice given to them on behalf of his Grace to desist from such proceeding. It was not for the recovering of any special damages that his Grace was induced to institute this suit, but for the purpose of supporting and handing down to his successor the rights of the See unimpaired to the trust reposed in him. By this verdict and under the certificate of the learned judge, his Grace is entitled to costs.[2]

[1] The *Yorks. Chronicle*, June 25th, 1807.
[2] *The Yorks. Chronicle*, July 30th, 1807.

From the above interesting reminiscences it is easily understood why £10 was paid to the Archbishop at the demolition of Castlegate Postern for the enlargement of the Castle. At a period about five years subsequent to the Archbishop obtaining the injunction against the Corporation, the custom of taking the toll was discontinued, economic changes and newer methods of carrying on the sale of cattle effectually deprived the Archbishop of his tolls and mediæval privileges, and Lammas Fair fell into desuetude.

APPENDIX J (see p. 239).

The Records of York Castle with a typical example, Francis Drake, M.D., F.S.A., *versus* The King

In the chambers above the entrance gate are deposited a large mass of documents, which illustrate the annals of the Northern Counties, and with the exception of Canon Raine's short selection of "Depositions of York Castle," [1] very little use has been made of this vast storehouse of historical papers. The records date from about 1640 and "consist of calendars, lists of magistrates and jurors, recognisances, the presentments of parish constables, writs, petitions of various descriptions, and especially of the depositions taken before the magistrates, which exhibit many features of a striking and interesting kind," together with a volume containing the proceedings of the Border Commissioners, and other papers. The depositions and particulars of trials of civil and political characters are of immense historic value; and it is regrettable that the Magistrates of a wealthy county like Yorkshire have not as yet decided that the documents shall be properly kept, calendared or indexed, and made available for historical research. From the unkept and uncared-for condition of the collection little use can be made of them unless the searcher is prepared to give many months to the arduous task, and this is out of the question, if indeed he may be fortunate enough in obtaining permission to see the archives. Through the kindness of Mr. Robert Holtby I was permitted to see the records, but as it would have entailed much application to do justice to such an assemblage of antiquarian and historical papers a thorough investigation was reluctantly deferred.

[1] Surtees Society's Publications, vol. 40, 1861.

Casually picking up a bundle of depositions, strange to say, I found our old friend Dr. Francis Drake, the historian of York, had been suspected of favouring the Jacobite Rising. I append his depositions and recognisances, which are typical of the contents of the collection, with the hope that ere long the learned societies of Yorkshire will take up the matter and induce the County Committee to provide a custodian or archivist, and have the wealth of historical materials, which are of more than local value, made easily accessible. The accommodation in the apartments above the gate could without much trouble be adapted as a Public Record Office.[1]

Examination of Francis Drake.

City of York.—The Examination of Francis Drake of the City of York, surgeon, taken the 14th day of March 1745.

This examinant being charged with publishing that the Duke had had a battle with the rebels and had been defeated and that he wished it did not prove true saith—That he believes he did say something to that effect yesterday to Mr. Sellers and Mr. Croft and that he had it from common fame and cannot fix it upon anybody.

Taken before (Signed) FRANCIS DRAKE.

JO. READ,
Mayor.

The King v. Drake.

City of York.—The information of Martin Croft of the City of York, plumer and glazier taken upon oath this 14th day of March 1745.

This informant saith and deposeth that yesterday morning between ten and eleven of the clock he was talking with Mr. Edward and Mr. John Seller at their door in Silver Street in the said city, when Mr. Francis Drake, surgeon, happened to come that way and stopped and entered into discourse with and saith that Mr. John Seller asked the said Mr. Drake " what news," upon which the said Mr. Drake said he had heard bad news, that the Duke had had a battle with the rebels and was defeated and I wish it does not prove true ; as near as this informant can recollect the same.

Sworn before (Signed) MARTIN CROFTS.

JO. READ,
Mayor.

[1] Since writing the above, the Records of York Castle have been removed to the Public Record Office, London.

Recognizance to appear or answer.

City of York and County of the Same City.—Be it remembered that Francis Drake of the City of York, surgeon, William Vavasour of Wistow in the County of York, esquire, and Richard Farrer of the City of York aforesaid upholsterer, the 14th day of March in the nineteenth year of the reign of King George the Second over Great Britain &c., came before the Right Honourable John Read, Esquire, Lord Mayor of the said city and in their proper persons acknowledged themselves to be indebted to our said Sovereign Lord the King in manner following that is to say the said Francis Drake in one hundred pounds and the said William Vavasour and Richard Farrer in fifty pounds apiece of their several goods and chattels, lands, and tenements to the cause of the said Lord the King to be levied if default shall be made in the condition following (to wit)—

The condition of this recognizance is that if the above bound Francis Drake do and shall personally appear at the next Assizes and General Gaol Delivery to be held in and for the City of York and County of the same City, then and there to answer such matters and things as shall then and there on his Majesty's behalf be objected against him for publishing falsely that the Duke was defeated by the rebels and shall in the meantime keep the peace and be of good behaviour towards all his Majesty's liege subjects and shall do and receive what shall be then and there enjoined him by the Court and shall not depart the Court without licence. Then the above recognizance to be void or else remain in full force.

Taken and acknowledged the day and year abovesaid before me. Jo. Read, Mayor.

Francis Drake.
William Vavasour.
Richard Farrer

Recognizance to prosecute and give evidence.

City of York and county of the same city.—Be it remembered that Martin Croft of the City of York glazier and plumer the seventeenth day of March in the year of our Lord one thousand seven hundred and forty five came before the Right Honourable John Read, esquire, Lord Mayor of the said city one of his Majesty's Justices of the Peace of the said City of York and County of the same City and in his proper person acknowledged himself to be indebted to our Sovereign Lord the King in ten pounds of his goods and chattels, lands and

tenements to the use of our said Lord the King to be levied if default shall be made in the condition following that is to say.

The Condition of this recognizance is that if the above bound Martin Croft shall personally appear at the next Assizes and General Gaol Delivery to be held in and for the City of York and County of the same City then and there to prefer a bill of indictment against Mr. Francis Drake for publishing false rumours and do and shall also then and there give evidence concerning the same as well to the Jurors who shall enquire thereof in behalf of our said Sovereign Lord the King, as also to the Jurors who shall pass upon the tryal of the said Francis Drake, then the above recognizance to be void or else to remain in full force.

Taken and acknowledged the day and year above said before me.
Jo. Read
Mayor.

Martin Crofts.

APPENDIX K.

The High Sheriffs of Yorkshire.

This list of Sheriffs of the County of York is taken from a "List of Sheriffs for England and Wales, from the earliest times to A.D. 1831, compiled from documents in the Public Record Office," 1898, and is published by permission of the Controller of His Majesty's Stationery Office. The list from 1831 to 1910 is completed from a Register of Sheriffs in the possession of Mr. Edwin Gray, the Under-Sheriff, who kindly allowed me to see his list.

The following notes are extracted from the Record Office List of Sheriffs:

"Up to the year 1202 no regular record of appointment exists. The list is compiled from the accounts rendered by the sheriffs, and the actual records of their appointments. The accounts entered on the Pipe Rolls, as a rule, run from Michaelmas to Michaelmas; but the dates of the corresponding appointments range from September to February, so that in most cases the sheriff accounts from a date preceding his actual appointment. The date given in the list is the date of appointment when ascertainable, and in the absence of any notes to the contrary, it may be assumed that the corresponding account runs from the preceding Michaelmas. When the

date of appointment has not been ascertained the date given is that from which the account runs. Where this date is expressed as a year only, 'Michaelmas' may always be supplied. It should be noted, however, that after 1743 appointments were made in Hilary Term, although the normal account still continued to run from Michaelmas."

"The method of appointing the sheriffs of shires varied somewhat at different times and in different localities. In the vast majority of instances, the appointment was made by the Crown upon the advice of the permanent council. Special cases were, however, fairly numerous. The sheriffdom might be the inheritance of a private family. Normally the sheriff received a commission from the Crown, the king's choice being guided by the advice of one or more of his great officers of State, or the appointment being given to a candidate elected by the county. Such elections meet us at three periods: (1) During the ascendancy of Simon de Montfort, when the county courts appeared to have submitted names to the council of barons, the actual appointment being made at the Exchequer. (2) During the reign of Edward I. when notices occur of four knights of the shire nominating a candidate for the approval of the Lord Treasurer, into whose hands the right of appointment had drifted at this period. (3) Between the years 1338 and 1340. But throughout most of the period the names were selected by the council, and the sheriff acted in virtue of a commission issued in the king's name under the great seal."

"Specimens of the different manners in which the issue of such commissions are recorded are inserted in the Record Office List of Sheriffs."

"During the period of 1643 to 1653 during which the appointments were made by ordinance of Parliament and entered in the Journals of the Houses of Parliament."

"The principal legislation affecting the appointment of sheriffs in general and the duration of their term of office consists of the Provisions of Oxford, the Statute 28 Edward I. c. 8., and an Order in Council, quoted on Fine Roll 12 Edward III., allowing the county to elect a suitable candidate for adoption by the Exchequer or Council; the Ordinances of 1311, confirmed by the Statute of Lincoln, 9 Edward II., and later statutes, requiring the appointment to be under the Great Seal; the Statutes of 14 Edward III., St. 1. c. 7., and 21 Edward III. c. 7., making the term of office one year only, but, apparently, not preventing re-appointment; the Statute

42 Edward III., c. 9., definitely limiting the term to one year ; the Statute 1 Richard II. c. 11. forbidding re-appointment within three years ; and the Statute 23 Henry VI. c. 7., imposing a fine on the sheriff should the statutory term be exceeded."

" Certain of such breaches, however, occurring under special circumstances were condoned by special legislation, viz. Statute 9 Henry V., Statute 1, c. 5., 28 Henry VI. c. 3, and 8 Edward IV. c. 4. Finally, by Statute 12 Edward IV. c. 1., the outgoing sheriff was in all cases enjoined to continue acting till the actual assumption of office by his successor."

" The accounts of the normal English county, whether shire or town, will be found on the Pipe Rolls."

" The appointments of undersheriffs by sheriffs in fee are recorded on the Memoranda Rolls, as a rule, under the heading '*Presentations*.' "

" In the case of towns, owing to the elective nature of the office, and to the fact that the sheriffs were allowed to take their oaths in the locality, but little evidence is known to exist in the Public Record Office except in the form of accounts."

" It is, perhaps, necessary to add an explanation as to the ascription of the titles of ' knight ' and ' esquire ' to the persons mentioned in the list. When they occur in the record of appointment the case of course presents no difficulty ; when they occur in the heading of the account, but not in the appointment, recourse has been had to the entries on the '*Adventus Vicecomitum*' membranes of the Memoranda Rolls, and from such enquiries it appears that the style given in the Pipe Roll refers to the date on which the account was entered, a date generally from three to nine months later than the close of the term of office, and sometimes even more."

" Many of the principal books on English topography contain lists of Sheriffs of the particular counties to which they relate ; but these lists are in many cases inaccurate."

" Partly owing to the fact that the year as reckoned at the Exchequer did not correspond either with that of the Christian era, or with the regnal year of the King for the time being, it is generally difficult to ascertain from any of the old lists the actual term of office of any particular sheriff."

" In the present List the dates are given in the simplest form, the years being reckoned as beginning on the 1st of January. Surnames are given in the forms found in the rolls and *Gazettes*, sometimes perhaps erroneous, but unimportant

variations in the spelling of them occurring in any sheriff's term of office have been ignored. To avoid repetition, no entries have been made for those years in which there was no change of sheriff. The names printed in italics are those of under-sheriffs, or others who rendered sheriffs' accounts at the Exchequer, widows and executors being omitted."

Example—Peter de Saltmerssh, Sheriff, held the office from 3 June 1332 until 27 Jany. 1335.

HIGH SHERIFFS OF YORKSHIRE.

Date of appointment or of commencing account.	Name, etc.
Domesday before Survey	William Malet
Domesday at Survey	Hugh filius Baldri
Mich., 1129	Bertram de Bulimere, hereditary sheriff
Christmas, 1154	Bertram de Bulemer
Mich., 1163	Randolph de Glanvilla
Easter, 1170	Robert de Stutevilla
Mich., 1175	Randolph de Granvilla
,, 1189	John Maresc'
Easter, 1190	Robert de Longo Campo
Mich., ,,	Osbert de Longo Campo
,, 1191	Hugh Bardulf
,, ,,	*Hugh de Bobi*
Easter, 1194	Geoffrey, Archbishop of York
,, ,,	*Roger de Batvent*
Mich., 1198	Geoffrey filius Petri
,, ,,	*James de Poterne*
,, 1200	William de Stutevilla
,, ,,	*William Brito*
,, 1202	Geoffrey filius Petri
,, ,,	*William de Perci*
Easter, 1203	*Ralph de Normanvill*
1 Dec., 1204	Roger de Lasci, constable of Chester
Mich., ,,	*Robert Wallensis*
,, 1209	Gilbert filius Reinfridi
,, ,,	*Henry de Rademan, or Rademore* (to Michaelmas, 1212)

Date of appointment or of commencing account.	Name, etc.
Mich., 1213	Robert de Perci
,, ,,	*Henry de Middletona*
Easter, 1214	Peter filius Herberti
,, ,,	*Richard de Husseburne* (till Easter, 1215)
2 July, 1215	William de Duston
13 Aug., ,,	William de Harecurt
4 Feb., 1216	Geoffrey de Nevill (re-appointed on 30 March, 1216, and 8 May, 1218)
Mich., 1217	*Simon de Hales*
,, 1219	Geoffrey de Nevill in person
,, 1220	*Simon de Hal*
,, 1223	Simon de Hal
29 Apl. 1225	Eustace de Ludham (accounts from Michaelmas, 1224)
26 May, 1226	Robert de Cokefield
,, ,,	*Eustace de Ludham*
Mich. ,,	Robert de Cokefeld in person
8 May, 1229	William de Stotevilla
Easter ,,	*Philip de Ascellis* (till Michaelmas, 1232)
11 July, 1232	Peter de Rivallis
Mich. ,,	*John Bonet* (till Michaelmas, 1233)
27 Apl., 1233	Brian de Insula (accounts from Michaelmas, 1233)
30 May, 1234	John filius Galfridi
1 May, 1236	Brian filius Alani
Easter ,,	*Roger de Stapeltona*
Mich., 1238	Brian filius Alani in person
Easter, 1239	Nicholas de Molis
,, ,,	*William de Middeltona*
Mich., 1241	Nicholas de Molis, in person
4 May, 1242	Henry de Bathonia, or Bada
Easter ,,	*Ranulf de Cerne*
Mich. ,,	Henry de Bathonia, in person
18 May, 1248	William de Dacre
22 Apl., 1250	Robert de Crepping
23 June, 1253	William de Horsenden (accounts from Easter, 1253)

Date of appointment or of commencing account.	Name, etc.
22 July, 1254	William le Latymer (re-appointed with sanction of Council 3 Nov., 1258)
27 Jan., 1260	John de Oketon (re-appointed 2 May, 1260 by the Chancery. Accounts from Easter, 1260)
9 July, 1261	Peter de Percy
Christmas, 1262	*Robert his son*
13 June, 1263	Robert de Nevill
27 June, 1264	William de Boszeall
Mich., 1265	John de Oketon
4 May, 1266	William le Latymer
Mich., 1267	*William his son* (till Christmas)
23 Nov., 1267	Robert de Lathum (did not account)
8 Feb., 1268	Giles de Gousle, or Goushull (accounts from Christmas, 1267)
29 Mar. and 5 Apl., 1269	John de Haulton
28 May., 1270	Roger Extraneus
Mids. ,,	*William Lovel, his clerk*
Mich. ,,	*Henry de Kirkeby*
,, 1272	Roger Extraneus in person
18 Oct., 1274	Alexander de Kirketon
25 Oct., 1278	Ranulph de Dacre
29 May, 1280	John Lythegreins
1 Oct., 1285	Gervase de Clifton
25 May, 1291	John de Melsa, or Meaus
13 May, 1293	John Biroun, or Birun
2 Oct., 1299	Robert Outred, or Ughtred
1 Oct., 1300	Simon de Kyme
,, 1304	William de Houk, or Hookes
23 Oct., 1307	John de Creppingges, or Creppinge
3 July, 1308	John de Gras
10 Mar., 1310	John de Eure (two attempts made, but without success, to supplant him by Simon de Warde)
5 Mar., 1311	Gerard Salveyn
1 Oct., 1314	John de Malebys
24 May, 1315	Nicholas de Meynill, or Meinyll
20 Oct., 1315	Simon Warde

Date of appointment or of commencing account.	Name, etc.
21 Jany., 1317	Nicholas de Grey (accounts from Easter only)
15 May, 1318	Simon Warde
29 Nov. ,,	Robert de Rithre (did not account)
19 Dec. ,,	Simon Warde
15 June, 1323	Roger de Somervill (accounts from day of appointment)
26 Feb., 1325	Henry de Faucomberge (Probably never acted on this appointment. Re-appointed 4 February, 1327; accounts from 7 Feb. in that year)
30 Sep., 1327	John Darcy le neveu
13 Aug., 1328	Henry de Faucomberge (accounts from Michaelmas)
5 Dec., 1330	Ralph de Bulmere
3 June, 1332	Peter de Saltmerssh, or de Salso Marisco (accounts from Easter)
27 Jany., 1335	Peter de Middelton (died before his successor's appointment)
3 Nov. ,,	Thomas de Rokeby
24 Mar., 1337	Ralph de Hastynges
18 Feb., 1340	John Moryn (again appointed on 10 April, but doubtful if he ever acted)
26 Apl. ,,	Ralph de Hastynges
1 Oct. ,,	John de Eland
19 Nov., 1341	John de Faucumberge
7 Oct., 1342	Thomas de Rokeby
25 July, 1349	William Playce — Doubtful if either ever acted. Mandate to deliver over rolls, etc., to Salvayn, addressed both to Thornhill and Rokeby
25 Aug. ,,	Brian de Thornhill — Doubtful if either ever acted. Mandate to deliver over rolls, etc., to Salvayn, addressed both to Thornhill and Rokeby
24 Oct., 1349	Gerard de Salvayn
22 Oct., 1350	William de Plumpton
17 Oct., 1351	Peter Nuttele, or de Nuttle
22 Nov., 1352	Miles de Stapelton of Hathelseye

Date of appointment or of commencing account.	Name, etc.
16 Dec., 1353	Peter de Nuttle
10 Nov., 1354	Miles de Stapelton of Hathelsay
10 Mar., 1356	Peter de Nuttle
30 Sept., 1359	Thomas de Musgrave
21 Nov., 1360	Marmaduke Conestable
20 Nov., 1362	Thomas de Musgrave
13 May, 1366	Marmaduke le Conestable
14 Dec., 1367	John Chaumon
27 Nov., 1368	William de Acon
28 Nov., 1370	John Bygod
5 Nov., 1371	Robert de Ros of Ingmanthorp
12 Dec., 1372	William de Acon, knt.
7 Nov., 1373	John Bygot, knt.
12 Dec., 1374	William Percehay, knt.
4 Oct., 1375	William de Melton, knt.
26 Oct., 1376	Ralph de Hastynges, knt.
26 Nov., 1377	John Constable of Halsham, knt.
25 Nov., 1378	Robert de Nevyll of Hornby, knt.
5 Nov., 1379	William de Melton (did not account)
3 Mar., 1380	John Sayvill, knt. (accounts for whole year)
18 Oct. ,,	Ralph de Hastynges
6 Dec., 1381	William de Ergum, knt.
24 Nov., 1382	John Sayvyll, knt.
1 Nov., 1383	Robert de Hilton, knt.
11 Nov., 1384	Gerard de Usflete, knt.
20 Oct., 1385	Robert Constable of Flayburgh, knt.
18 Nov., 1386	Robert de Hilton, knt.
,, 1387	John Sayvyll, knt.
1 Dec., 1388	John Godard, knt.
15 Nov., 1389	James de Pykeryng, knt.
7 Nov., 1390	William de Melton
21 Oct., 1391	Ralph de Euer
18 Oct., 1392	John Depeden, knt.
7 Nov., 1393	James Pykeryng, knt.
11 Nov., 1394	Robert Constable of Flaynborough, knt.
9 Nov., 1395	Ralph Euer, knt.
1 Dec., 1396	Robert Nevill of Hornby
3 Nov., 1397	James Pykeryng, knt.
30 Sep., 1399	John Depeden, knt.

Date of appointment or of commencing account.	Name, etc.
3 Nov., 1399	John Constable, knt.
24 Nov., 1400	Thomas Brounflete, knt.
8 Nov., 1401	William Dronsfeld, knt.
29 Nov., 1402	John Sayvyll, knt.
5 Nov., 1403	Richard Redman, knt.
4 Dec., 1404	Peter Bucton, or de Bukton, knt.
22 Nov., 1405	William Dronsfield, knt. (account rendered by his executors)
15 Sept., 1406	Robert Mauleverer
22 Nov. ,,	John Etton, knt.
23 Nov., 1407	Thomas Rokeby, knt.
15 Nov., 1408	William de Haryngton, knt.
4 Nov., 1409	Edmund Hastynges, knt.
29 Nov., 1410	Edmund Sandeford, knt.
10 Dec., 1411	Thomas Rokeby, knt.
3 Nov., 1412	John de Etton, knt.
6 Nov., 1413	William Haryngton, knt.
12 Nov., 1414	Thomas Brounflete, knt.
1 Dec., 1415	Richard Redmayn, Redmaine, or Redman, knt.
30 Nov., 1416	Edmund Hastynges, knt.
10 Nov., 1417	Robert Hilton, knt.
4 Nov., 1418	John Bygod, knt.
23 Nov., 1419	Thomas Brounflete, knt.
16 Nov., 1420	Halnatheus Mauleverer, knt.
22 Apl., 1422	William Haryngton, knt.
13 Nov., 1423	Robert Hilton, knt.
6 Nov., 1424	John Langton, knt.
15 Jany., 1426	Richard Hastynges, knt.
12 Dec., 1426	William Ryther, knt.
7 Nov., 1427	Robert Hilton, knt.
4 Nov., 1428	William Haryngton, knt.
10 Feb., 1430	John Clerevaux, knt.
5 Nov. ,,	William Ryther, knt.
26 Nov., 1431	Richard Pykeryng, knt.
5 Nov., 1432	Henry Brounflete, knt.
,, 1433	Richard Hastynges, knt.
3 Nov., 1434	William Ryther, knt.
7 Nov., 1435	William Tirwhit, knt.

Date of appointment or of commencing account.	Name, etc.
8 Nov., 1436	John Constable of Halsham, knt.
7 Nov., 1437	Richard Constable, knt.
3 Nov., 1438	William Ryther, or Ryder, knt.
5 Nov., 1439	John Tempest, knt.
4 Nov., 1440	Robert Waterton, knt.
,, 1441	William Gascoyn, knt.
6 Nov., 1442	Thomas Metham, or Meteham, knt.
4 Nov., 1443	Edmund Talbot, knt.
6 Nov., 1444	William Euer, knt.
4 Nov., 1445	James Strangways, knt.
,, 1446	Robert Ughtrede, knt.
9 Nov., 1447	William Plumpton, knt.
,, 1448	John Conyers, knt.
20 Dec., 1449	James Pekering, knt.
3 Dec., 1450	Robert Ughtrede, knt.
,, 1451	Ralph Bygod, knt.
23 Nov., 1452	James Strangways, knt.
5 Nov., 1453	John Melton the younger, knt.
4 Nov., 1454	John Savyle, knt.
,, 1455	Thomas Haryngton, knt.
17 Nov., 1456	John Hothom, knt.
7 Nov., 1457	Ralph Bygod, knt.
7 Nov., 1458	John Tempest, knt.
,, 1459	Thomas Metham, knt.
,, 1460	John Melton, knt. (did not account)
6 Mar., 1461	John Seyvill, knt. (accounts from Michaelmas, 1460)
7 Nov., 1461	Robert Constable, knt.
5 Nov., 1463	John Constable, knt.
,, 1464	Edmund Hastynges, knt.
,, 1465	Richard Fitz William, knt.
,, 1466	James Haryngton, knt.
,, 1467	John Conyers, knt.
,, 1468	James Strangways, knt.
,, 1469	Henry Vavasour, knt.
6 Nov., 1470	Edmund Hastynges, knt.
9 Nov., 1471	Ralph Assheton, knt
5 Dec., 1472	Ralph Assheton, knt.
5 Nov., 1473	Walter Gryffith, knt.

Date of appointment or of commencing account.	Name, etc.
7 Nov., 1474	John Conyers, knt.
5 Nov., 1475	James Haryngton, knt.
,, 1476	Edmund Hastynges, knt.
,, 1477	William Rither, or Ryder, knt.
,, 1478	Robert Constable, knt.
,, 1479	Hugh Hastynges, knt.
,, 1480	Marmaduke Constable, knt.
,, 1481	Ralph Bygod, knt.
,, 1482	William Euers, knt.
6 Nov., 1483	Edmund Hastynges, knt.
5 Nov., 1484	Thomas Markynfeld, or Markyndale, knt.
,, 1485	John Sayvyle, knt.
,, 1486	Robert Ryther, knt.
4 Nov., 1487	John Nevill, knt.
,, 1488	Marmaduke Constable, knt.
5 Nov., 1489	Henry Wentworth, knt.
,, 1490	Thomas Worteley, knt.
,, 1491	Richard Tunstall, knt. (did not account)
1 May, 1492	Henry Wentworth, knt. (accounts from Michaelmas, 1491)
26 Nov., 1492	James Strangeways, knt.
7 Nov., 1493	Marmaduke Constable, knt.
5 Nov., 1494	John Nevyll, knt.
,, 1495	William Gascoigne, knt.
,, 1496	John Melton, knt.
,, 1497	William Conyers, knt.
,, 1498	John Hotham, esq. (knighted by Easter, 1499)
11 Nov., 1499	John Hotham, knt. (these names seem to refer to two distinct persons. At the appointment of the second, a mandate is addressed to the first to deliver up rolls, etc., of office).
15 Nov., 1500	Walter Griffith, knt.
5 Nov., 1501	Thomas Wortley, knt.
8 Nov., 1502	William Conyers, knt.
18 Nov., 1503	Ralph Ryther, knt.
5 Nov., 1504	John Cutt, knt.
1 Dec., 1505	Ralph Euers, knt.

Date of appointment or of commencing account.	Name, etc.
27 Nov., 1506	John Norton, knt.
15 Dec., 1508	James Strangweys, knt.
14 Nov., 1509	Marmaduke Constable, knt.
9 Nov., 1510	Ralph Eure, or Euers, knt.
8 Nov., 1511	John Constable, knt.
7 Nov., 1512	John Everyngham, knt.
9 Nov., 1513	William Percy, knt.
7 Nov., 1514	John Norton, knt.
5 Nov., 1515	John Carre, knt.
10 Nov., 1516	Richard Tempest, knt.
9 Nov., 1517	William Bulmer, knt.
8 Nov., 1518	John Nevyll, knt.
,, 1519	Peter Vavasour, knt.
6 Nov., 1520	Thomas Strangwysshe, knt
3 Feb., 1522	William Malyverye, knt.
12 Nov. ,,	Henry Clifford, knt.
13 Nov., 1523	John Nevyle, knt.
10 Nov., 1524	John Constable of Holderness, knt.
27 Jan., 1526	James Metcalfe, esq.
7 Nov., 1526	William Middleton, knt.
16 Nov., 1527	John Nevyle of Chevet, knt.
7 Nov., 1528	John Constable of Holderness, knt.
9 Nov., 1529	Ralph Ellerker the younger, knt.
11 Nov., 1530	Thomas Strangwayse, esq.
Mich., 1530	James Strangwayse, knt.
9 Nov., 1531	Nicholas Fayrefax, esq. (afterwards knighted)
20 Nov., 1532	Marmaduke Constable, the elder, knt.
17 Nov., 1533	John Constable of Holderness, knt.
14 Nov., 1534	William Fairefax, esq.
22 Nov., 1535	George Darcy, knt.
27 Nov., 1536	Brian Hastynges, knt. (died 6 Aug., 1537)
Easter, 1537	Francis Frobyssher, esq.
14 Nov., 1537	Henry Savyle, knt.
15 Nov., 1538	James Strangways, knt.
17 Nov., 1539	William Fayrefax, knt.
17 Nov., 1540	Robert Nevyll, knt.
27 Nov., 1541	Henry Savyle, knt.
22 Nov., 1542	Thomas Tempest, knt.

Date of appointment or of commencing account.	Name, etc.
23 Nov., 1543	John Dawney, knt.
16 Nov., 1544	Nicholas Fairefax, knt.
22 Nov., 1545	Christopher Danbie, knt.
23 Nov., 1546	John Tempest, knt.
27 Nov., 1547	Richard Cholmeley, knt.
3 Dec., 1548	William Vavasour, knt.
12 Nov., 1549	William Calverley, knt.
11 Nov., 1550	Leonard Beckwith, knt.
,, 1551	John Gresham, knt.
10 Nov., 1552	Thomas Maliborie, or Malyverer, of Allerton, knt.
8 Nov., 1553	Thomas Waterton, knt.
14 Nov., 1554	Ingelram, or Ingram, Clifford, knt.
,, 1555	Christopher Mettcalf, knt.
13 Nov., 1556	Richard Cholmeley, knt.
16 Nov., 1557	Richard Constable, knt. (account rendered by his executors)
23 Nov., 1558	Ralph Ellerker, knt. (account rendered by his executors)
16 Oct., 1559	John Vaughan, esq.
12 Nov., 1560	John Nevyle, knt.
8 Nov., 1561	Nicholas Fayrefax, knt.
19 Nov., 1562	George Bowes, knt.
8 Nov., 1563	William Vavasour, knt.
9 Nov., 1564	William Ingleby, knt.
16 Nov., 1565	Thomas Gargrave, knt.
18 Nov., 1566	John Constable, knt.
,, 1567	Henry Savell, esq.
,, 1568	Richard, or John, Norton, esq.
12 Nov., 1569	Thomas Gargrave, knt.
13 Nov., 1570	Christopher Hillyard, esq.
14 Nov., 1571	Thomas Fairfax, esq.
13 Nov., 1572	John Dawney, esq.
10 Nov., 1573	Marmaduke Constable, esq.
15 Nov., 1574	William Bellassis, knt.
,, 1575	Thomas Danby, knt.
13 Nov., 1576	Thomas Boynton, esq.
27 Nov., 1577	William Fairefax, knt. (called esq. and knt. in Pipe Roll)

Date of appointment or of commencing account.	Name, etc.
17 Nov., 1578	Christopher Wandesforth of Kirlkington, esq.
23 Nov., 1579	Richard Goodrick, esq.
21 Nov., 1580	Ralph Bourcher, or Burchier, esq.
27 Nov., 1581	Robert Stapleton, knt.
5 Dec., 1582	Thomas Wentworth of Woodhouse, esq.
25 Nov., 1583	Cotton Gargrave, esq. (afterwards knighted)
19 Nov., 1584	John Hotham, esq.
22 Nov., 1585	Brian Stapleton, esq.
14 Nov., 1586	Henry Constable, knt.
4 Dec., 1587	Robert Aske, esq.
25 Nov., 1588	Richard Malyvery, or Maliverer, knt.
24 Nov., 1589	John Dawney, knt.
,, 1590	Philip Constable, esq.
25 Nov., 1591	Richard Gooderick, esq.
16 Nov., 1592	William Mallory, knt.
26 Nov., 1593	Ralph Euers, esq. (afterwards Lord Euer)
21 Nov., 1594	Francis Vaughan, esq.
27 Nov., 1595	Christopher Hilliard, knt.
22 Nov., 1596	Francis Boynton, esq.
25 Nov., 1597	Thomas Lassells, esq.
28 Nov., 1598	Marmaduke Grimston, esq.
2 Dec., 1599	Robert Swift, esq.
24 Nov., 1600	Francis Clifford, esq.
2 Dec., 1601	William Wentworth, esq.
7 Dec., 1602	Thomas Strickland, esq.
1 Dec., 1603	Henry Bellassis, knt.
5 Nov., 1604	Richard Gargrave, knt.
2 Feb., 1606	Timothy Hutton, knt.
17 Nov., 1606	Henry Griffethe, or Griffith, knt.
9 Nov., 1607	William Bambroughe, knt.
12 Nov., 1608	Hugh Bethell, knt.
1609	Francis Hildesley, knt.
6 Nov., 1610	Thomas Dawney, knt.
1611	Henry Slingesbye, knt.
1612	Christopher Hildeyard, knt.
1613	George Savile, knt.
1614	John Armitage, esq.
6 Nov., 1615	Edward Stanhoppe knt.

Date of appointment or of commencing account.	Name, etc.
11 Nov., 1616	Michael Wharton (knighted before rendering his account)
6 Nov., 1617	Robert Swifte, knt.
9 Nov., 1618	William Alford, knt.
1619	Arthur Ingram, knt.
6 Nov., 1620	Thomas Gower, knt. and bart.
1621	Richard Tempest, knt.
7 Nov., 1622	Guy Palmes, knt.
1623	Henry Jenkins, knt.
1624	Richard Cholmley, knt.
1625	Thomas Wentworth, knt. and bart.
1626	Thomas Norclyff, knt.
4 Nov., 1627	Thomas Fairfax of Gilling, knt.
1628	Matthew Boynton, knt. and bart.
1629	Arthur Ingram the younger, knt.
7 Nov., 1630	John Gibson, knt.
1631	Thomas Layton, knt.
1632	Arthur Robinson, knt.
10 Nov., 1633	Marmaduke Wivell, knt. and bart.
5 Nov., 1634	John Hotham, knt. and bart.
1635	William Penneman, bart.
3 Oct., 1636	John Ramsden, knt.
30 Sep., 1637	Thomas Danby, knt.
4 Nov., 1638	William Robinson, knt.
1639	Marmaduke Langdale, knt.
1640	John Buck, knt.
1641	Thomas Gower, knt.
1642	
30 Dec., 1643	Matthew Boynton, knt.
1644	
1645	John Bourchier, knt.
1 Dec., 1646	Richard Darley, knt.
29 Nov., 1647	John Savile of Medley, esq.
23 Nov., 1648	William St. Quintin, bart.
30 Oct., 1649	John Savile, knt.
7 Nov., 1650	Edward Rodes, knt.
4 Nov., 1651	George Marwood, esq.
12 Nov., 1652	Hugh Bethell the younger, esq.
10 Nov., 1653	William Constable, knt. and bart.

Date of appointment or of commencing account.	Name, etc.
1654	John Bright, esq.
1656	Thomas Harrison, esq.
1658	Barrington Bourchier, esq.
1659	Robert Waters, esq.
5 Nov., 1660	Thomas Slingsby, or Slingesbie, bart.
1661	Thomas Osborne, bart.
1662	Thomas Gower, knt. and bart.
1663	Roger Langley, bart.
1664	Francis Cobb, knt.
7 Nov., 1666	John Reresbie, or Rerisby, bart.
6 Nov., 1667	Richard Maleverer, knt. and bart.
,, 1668	John Armitage, bart.
11 Nov., 1669	Philip Monckton, knt.
4 Nov., 1670	Solomon Swaile, or Swayle, bart.
9 Nov., 1671	William Wentworth, knt.
11 Nov., 1672	John Ramsden, esq.
12 Nov., 1673	Thomas Yarborough, Yarburgh, or Yerberrow, knt.
5 Nov., 1674	Henry Marwood, esq.
15 Nov., 1675	Edmund Jenings, or Jennings, esq. or knt.
10 Nov., 1676	Godfrey Copley, bart.
17 Nov., 1677	Godfrey Copley, knt.
14 Nov., 1678	Richard Shuttleworth, esq.
13 Nov., 1679	Thomas Daniel, knt.
4 Nov., 1680	Richard Graham of Norton, bart.
10 Nov., 1681	William Lowther of Swillington, esq.
13 Nov., 1682	Ambrose Pudsey, esq.
12 Nov., 1683	Bryan Stapylton, or Stapleton, bart.
20 Nov., 1684	Christopher Tankred, or Tancred, esq.
30 Nov., 1685	Christopher Tankred, esq.
25 Nov., 1686	Thomas Rokeby, or Rookesby, esq.
8 Nov., 1688	Richard Grahame of Norton Conyers, bart.
18 Mar., 1689	William Robinson, esq.
18 Nov., 1689	Jonathan Jenyngs, knt.
1689	Christopher Wandesford, bart.
27 Nov., 1690	Henry Fairfax, esq.
14 Dec., 1691	John Gill, esq.
17 Nov., 1692	Ambrose Pudsay, or Pudsey, esq.
16 Nov., 1693	Charles Tancred, or Tankred, esq.

Date of appointment or of commencing account.	Name, etc.
6 Dec., 1694	Ingleby Daniell, esq.
5 Dec., 1695	John Bradshaw of Brampton, esq.
3 Dec., 1696	Thomas Pulleine, esq.
16 Dec., 1697	William Lowther, esq.
22 Dec., 1698	William Strickland, knt.
6 Jan., 1699	John Lambert, esq.
20 Nov., 1699	Fairfax Norcliffe, esq.
28 Nov., 1700	Robert Constable, esq.
1 Jan., 1702	Robert Mitford, esq.
3 Dec., 1702	Thomas Pennyman, esq. (sometimes called bart.)
2 Dec., 1703	Thomas Pulleine, esq.
21 Dec., 1704	Godfrey Bosvile, esq.
3 Dec., 1705	Matthew Pierson, knt.
14 Nov., 1706	Roger Beckwith, bart.
20 Nov., 1707	Henry Iveson, esq.
29 Nov., 1708	William Ellis, esq.
1 Dec., 1709	William Turbut, esq.
24 Nov., 1710	William Neville, esq.
13 Dec., 1711	William Vavasour, esq.
11 Dec., 1712	Richard Beaumont, esq.
30 Nov., 1713	Thomas Wrightson, esq.
16 Nov., 1714	Fairfax Norcliffe of Ripon, esq.
22 Nov., 1715	Charles Wilkinson of Albrough, esq.
12 Nov., 1716	William Hustler, knt.
21 Dec., 1717	Henry Goodricke, bart.
,, 1718	Daniel Lascells, esq.
3 Dec., 1719	John Bourchier, esq.
3 Jan., 1721	Walter Hawksworth, bart.
14 Dec. ,,	Ralph Milbanke, of Halnaby, bart.
11 Dec., 1722	William Wentworth of West Bretton, bart.
7 Jan., 1724	Hugh Cholmley of Whitby, esq.
10 Dec., 1724	Cholmley Turner of Kirkleatham, esq.
13 Jan., 1726	Thomas Ramsden of Hawksworth, esq.
29 Nov. ,,	Charles Bathurst of Scutterskelf, esq.
16 Dec., 1727	Thomas Duncombe of Duncombe Park, esq.
18 Dec., 1728	William Harvey of Womersley, esq.
,, 1729	William St. Quintin of Harpham, bart.

Date of appointment or of commencing account.	Name, etc.
14 Dec., 1730	Beilby Thompson of Escrick, esq.
9 Dec., 1731	Roland Wynne of Nostell Priory, bart.
14 Dec., 1732	Thomas Condon of Willerby, esq.
20 Dec., 1733	Hugh Bethell of Rise, esq.
1734	Francis Barlow of Middlethorpe, esq.
22 Jan., 1736	James Hustler of Acklam, esq.
19 Jan., 1737	Mark Kirby of Hull, esq.
12 Jan., 1738	Hugh Smithson of Stanwick, bart.
11 Jan., 1739	George Cooke of Wheatley, bart.
27 Dec. ,,	Samuel Armitage of Kirklees, bart.
24 Dec., 1740	Lionel Pilkington of Chevet, bart.
2 Feb., 1742	Henry Darcy of Sedbury, esq.
16 Dec. ,,	Ralph Bell of Thirsk, esq.
2 Feb., 1744	Godfrey Copley of Sprotbrough, esq.
7 Feb., 1745	Thomas Thornhill of Fixby, esq.
16 Jan., 1746	Henry Ibbettson of Woodhouse, esq.
15 Jan., 1747	William Milner of Nun Appleton, bart.
14 Jan., 1748	William Meadhurst of Kippax, esq.
10 Feb. ,,	William Thompson of Humbleton, esq.
11 Jan., 1749	John Bourchier of Benningborow, esq.
17 Jan., 1750	William Pennyman, bart.
6 Dec., 1750	Griffith Boynton of Burton Agnes, bart.
14 Jan., 1752	Richard Sykes of Sledmere, esq.
7 Feb., 1753	Ralph Milbank of Halnaby, bart.
31 Jan., 1754	Nathaniel Cholmley of Whitby, esq.
29 Jan., 1755	Thomas Foljambe of Aldwarcke, esq.
27 Jan., 1756	George Montgomery Metham of North Cave, esq. (knighted 10 April)
4 Feb., 1757	Henry Willoughby of Birdsall, esq.
27 Jan., 1758	Jeremiah Dixon of Leeds, esq.
2 Feb., 1759	Charles Turner of Clints, esq.
16 Feb., 1760	James Shuttleworth of Forcett, esq.
28 Jan., 1761	John Lister Kaye of Grainge, bart.
15 Feb., 1762	Hugh Bethell of Rise, esq.
4 Feb., 1763	Boynton Langley of Wickham, esq.
10 Feb., 1764	William Foulis of Ingleby Manor, bart.
1 Feb., 1765	Thomas Wentworth of Bretton, bart.
17 Feb., 1766	Thomas Thornhill of Fixby, esq.
13 Feb., 1767	Thomas Arthington of Arthington, esq.

Date of appointment or of commencing account.	Name, etc.
15 Jan., 1768	George Strickland of Boynton, bart.
27 Jan., 1769	James Ibbetson of Leeds, bart.
9 Feb., 1770	Bellingham Graham of Norton Conyers, bart.
6 Feb., 1771	Griffith Boynton of Burton Agnes, bart.
17 Feb., 1772	William St. Quintin of Scamston, bart.
8 Feb., 1773	Marmaduke Asty Wyville of Constable Burton, bart.
7 Feb., 1774	Mann Horsfield of Thorp Green, esq.
6 Feb., 1775	George Armitage of Kirklees, bart.
5 Feb., 1776	Giles Earl of Benningbrough, esq.
31 Jan., 1777	Bacon Frank of Campsall, esq.
28 Jan., 1778	John Sawrey Morritt of Rokeby, esq.
1 Feb., 1779	Thomas Duncombe of Duncombe Park, esq.
2 Feb., 1780	William Bethell of Rise, esq.
5 Feb., 1781	Humphrey Osbaldeston of Hunmanby, esq.
1 Feb., 1782	John Ingilby of Ripley, bart.
10 Feb., 1783	Robert Darcy Hildyard of Winestead, bart.
9 Feb., 1784	William Danby of Swinton, esq.
7 Feb., 1785	Thomas Turner Slingsby of Scriven Park, bart.
13 Feb., 1786	Richard Langley of Wikeham Abbey, esq.
12 Feb., 1787	Francis Ferrand Foljambe of Aldwark, esq.
8 Feb., 1788	John Yorke of Richmond, esq.
29 Apl., 1789	Walter Fawkes of Farnley Hall, esq.
24 Feb., 1790	Charles Duncombe the younger of Duncombe Park, esq.
4 Feb., 1791	George Armytage of Kirklees, bart.
3 Feb, 1792	Thomas Frankland of Thirkleby, esq.
6 Feb., 1793	Richard Henry Beaumont of Whitley, esq.
5 Feb., 1794	Thomas Lister of Guisbourn Park, esq.
27 Feb., 1795	Mark Sykes of Sledmere, esq.
5 Feb., 1796	Godfrey Wentworth Wentworth of Hickleton, esq.
1 Feb., 1797	John Ramsden of Byram, bart.
7 Feb., 1798	Thomas Pilkington of Chevet, bart.
1 Feb., 1799	Rowland Winn of Nostell, bart.
21 Feb., 1800	James Milnes of Thornes-House, esq.

Date of appointment or of commencing account.	Name, etc.
11 Feb., 1801	Richard Thompson of Wetherby Grange, esq.
3 Feb., 1802	William Foulis of Ingleby Manor, bart.
3 Feb., 1803	Henry Carr Ibbetson of Denton, bart.
1 Feb., 1804	James Fox of Bramham Park, esq.
6 Feb., 1805	Henry Cholmley of Howsham, esq.
1 Feb., 1806	John Bacon Sawrey Morritt of Rokeby Park, esq.
4 Feb., 1807	Richard Fountayne Wilson of Melton on the Hill, esq.
3 Feb., 1808	William Joseph Dennison of Ayton, esq.
6 Feb., 1809	George Wombwell of Wombwell, bart.
31 Jan., 1810	Thomas Edward Wynn Belasyse of Newburgh Abbey, esq.
8 Feb., 1811	Richard Watt of Bishop Burton, esq.
24 Jany., 1812	Thomas Slingsby of Scriven Park, bart.
10 Feb., 1813	Robert Crowe of Kipling, esq.
4 Feb., 1814	Francis Lindley Wood of Hemsworth, bart.
13 Feb., 1815	William Garforth of Wigginthorp, esq.
12 Feb., 1816	Richard Oliver Gascoigne of Parlington, esq.
,, 1817	William Mordaunt Milner of Nun Appleton, bart.
24 Jan., 1818	John Yorke of Richmond, esq.
10 Feb., 1819	William Wrightson of Cusworth, esq.
12 Feb., 1820	Henry Vansittart of Kirk Leatham, esq.
6 Feb., 1821	William Ingilby of Ripley, bart.
4 Feb., 1822	Richard Bethell of Rise, esq.
31 Jan., 1823	Walter Fawkes of Farnley, esq.
,, 1824	John Van den Bempdé Johnstone of Hackness, bart.
2 Feb., 1825	John Hutton of Marske, esq.
30 Jan., 1826	The Hon. Marmaduke Langley of Wykeham Abbey.
5 Feb., 1827	Henry Darley of Aldby Park, esq.
13 Feb., 1828	Tatton Sykes of Sledmere, bart.
11 Feb., 1829	George Osbaldeston of Ebberston, esq.
2 Feb., 1830	The Hon. Edward Robert Petre of Stapleton Park.

Date of appointment or of commencing account.	Name. etc.
31 Jan., 1831	Harry James Goodricke of Ribstone Hall, bart.
6 Feb., 1832	Richard York of Wighill Park, esq.
1833	William Constable Maxwell of Everingham Park, esq.
1834	Henry Preston of Moreby Park, esq.
1835	Richard Henry Roundell of Gledstone, esq.
1836	Nicholas Edmund Yarburgh of Heslington Hall, esq.
1837	Mark Milbank of Thorpe Perrow, esq.
1838	Robert Frankland Russell of Thirkleby Park, bart.
1839	Charles Robert Tempest of Broughton Hall, esq.
1840	Thomas Aston Clifford Constable of Burton Constable, bart.
1841	Frederick William Thomas Vernon Wentworth of Wentworth Castle, esq.
1842	William St. Quintin of Scampston Hall, esq.
1843	Joseph William Copley of Sprotbrough, bart.
1844	Timothy Hutton of Clifton Castle, bart.
1845	William Bryan Cooke of Wheatley Hall, bart.
1846	James Walker of Sand Hutton, esq.
1847	Joseph Dent of Ribston Hall, esq.
1848	Yarburgh Greame of Sewerby House, esq.
1849	Octavius Vernon Harcourt of Swinton, esq.
1850	William Rutson of Newby Wiske, esq.
1851	The Hon. Payan Dawnay of Beningbrough.
1852	John Henry Lowther of Swillington, bart.
1853	Andrew Montague of Melton Park, esq.
1854	Henry Willoughby of Birdsall, esq.
1855	James Brown of Copgrove, esq.
1856	Harry Stephen Thompson of Kirby Hall, esq.
1857	Joseph Radcliffe of Rudding Park, bart.
1858	John Walbanke Childers of Cantley, esq.

Date of appointment or of commencing account.	Name, etc.
1859	Lionel Milborne Swinnerton Pilkington of Chevet Park, bart.
1860	James Garth Marshall of Headingley, esq.
1861	George Orby Wombwell of Newburgh, bart.
1862	Godfrey Wentworth of Woolley Park, esq.
1863	John Hope Barton of Stapleton Park, esq.
1864	Frederick Charles Trench Gascoigne of Parlington, esq.
1865	Francis Watt of Bishop Burton, esq.
1866	Charles Sabine Augustus Thellusson of Brodsworth, esq.
1867	William Henry Harrison Broadley of Welton, esq.
1868	John William Ramsden of Byram, bart.
1869	Tatton Sykes of Sledmere, bart.
1870	James Pulleine of Clifton Castle, esq.
1871	Henry Edwards of Pye Nest, bart.
1872	Frederick Bacon Frank of Campsall, esq.
1873	George Lane Fox of Bramham Park, esq.
1874	The Hon. Arthur Duncombe of Kilnwick Percy.
1875	William Frogatt Bethell of Rise, esq.
1876	Henry Miles Stapylton of Myton, esq.
1877	The Hon. John Horace Savile commonly called Viscount Pollington.
1878	William Aldham of Frickley, esq.
1879	Charles Booth Elmsall Wright of Bolton Hall, esq.
1880	Charles William Strickland of Hildenby, bart.
1881	William Roundell of Gledstone, esq.
1882	Henry Day Ingilby of Ripley Castle, bart.
1883	Walter Morrison of Malham Tarn House, esq.
1884	The Rt. Hon. John Lord Hotham of South Dalton.
1885	John Fielden of Grimston Park, esq.
1886	Thomas Slingsby of Scriven Park, esq.
1887	Samuel Cunliffe Lister of Swinton Park, esq.

Date of appointment or of commencing account.	Name, etc.
1888	James Robert Walker of Sand Hutton, bart.
1889	Thomas Edward Yorke of Bewerley, esq.
1890	John Coulthurst of Gargrave, esq.
1891	Arthur Wilson of Tranby Croft, esq.
1892	Andrew Fairbairn of Askham Hall, knt.
1893	George Thomas Gilpin Brown of Sedbury Park, esq.
1894	Ralph Creyke of Rawcliffe, esq.
1895	The Hon. Henry Edmund Butler of Nidd Hall.
1896	Ernest Richard Bradley Hall-Watt of Bishop Burton, esq.
1897	James Anson Farrer of Ingleborough Hall, esq.
1898	Robert John Foster of Stockeld Park, esq.
1899	William Herbert St. Quintin of Scampston, esq.
1900	William Henry Battie-Wrightson of Cusworth Park, esq.
1901	Alexander Wentworth Macdonald Bosville of Thorpe Hall, esq.
1902	Theophilus Peel of Potterton Hall, Barwick in Elmet, bart.
1903	William Henry Charles Wemyss Cooke of Wheatley Park, bart.
1904	William Ferrand of St. Ives, Bingley, esq.
1905	William Wright Warde-Aldham of Frickley Hall, esq.
1906	William Slingsby Hunter of Gilling Castle, esq.
1907	George John Armytage of Kirklees Park, bart.
1908	Bruce Canning Vernon-Wentworth of Wentworth Castle, esq.
1909	George William Lloyd of Stockton Hall, esq.
1910	Frederick James Osbaldiston Montagu of Melton Park, esq.

Date of appointment or of commencing account.	Name, etc.
1911	Thomas Edward Milborne Swinnerton Pilkington of Chevet Park, bart.

It is rather remarkable to note that the office of Undersheriff has been held many times by members of the Gray family of York, during four generations. As early as 1788 we find Mr. William Gray holding the office. His son, Mr. Jonathan Gray was Undersheriff several years, notably in 1807 when he acted as Returning Officer at the memorable contested County Election, on which occasion William Wilberforce, Esq., the Rt. Hon. Lord Milton, and the Hon. Henry Lascelles were the candidates. Mr. William Gray held the appointment each year successively from 1843 to the time of his death in 1880, except on two occasions, viz. for the years 1845 and 1851, when Mr. Anderson and Mr. Russell were respectively the under-sheriffs. Mr. Edwin Gray succeeded his father in the office and was annually re-appointed down to the year 1910, when Mr. C. H. Morton of Liverpool, the High Sheriff's uncle, held the office, Mr. Edwin Gray being Acting Undersheriff.

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